



Legislation Text

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Int. No. 1029

By Council Members Cabrera and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale and purchase of gasoline by certain persons

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-176.2 of the administrative code of the city of New York, as amended by local law number 40 for the year 2013, is amended to read as follows:

a. For purposes of this [section] subchapter, the term “motorized scooter” [shall mean] means any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York [State Department of Motor Vehicles] state department of motor vehicles. For the purposes of this [section] subchapter, the term motorized scooter [shall] does not include wheelchairs or other mobility aids designed for use by disabled persons.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 Prohibition on gasoline sales to and purchases by operators of unregistered vehicles. a.

Definitions. For purposes of this section, the following terms have the following meanings:

Motor vehicle. The term “motor vehicle” has the same meaning as is ascribed to such term in section 125 of the vehicle and traffic law.

Retail outlet. The term “retail outlet” means any establishment at which gasoline or other petroleum

products is sold or offered for sale for use in motor vehicles.

Retailer. The term “retailer” means any person who owns, leases, operates, controls or supervises a retail outlet, or such person’s agent.

Unregistered motor vehicle. The term “unregistered motor vehicle” means a motor vehicle that is not registered with the New York state department of motor vehicles.

b. No retailer shall sell or offer to sell gasoline or other petroleum products to any person who operates a motorized scooter or unregistered motor vehicle.

c. A person who operates a motorized scooter or unregistered motor vehicle shall not purchase gasoline or other petroleum products from a retailer.

d. Any person who violates this section or any rules or regulations promulgated pursuant to this section is guilty of a misdemeanor, and is subject to a fine of \$1,000, imprisonment of not more than 15 days, or both. In addition to or in the alternative to such penalty, such person may be subject to a civil penalty of \$1,000, returnable to the environmental control board, for each such offense.

e. This section may be enforced by the department, the police department or the department of consumer affairs. A police officer may seize any motorized scooter or motor vehicle that such officer has probable cause to believe is unregistered and that has been filled with gasoline in violation of this section.

§ 3. This local law takes effect 90 days after it becomes law.