

Department of Consumer Protection

John P. Gaccione
Acting Director
and County Sealer

May 1, 2012

Dear Gasoline Retailer:

Westchester County Local Law (4723-2011), adopted by the Westchester County Board of Legislators, becomes effective June 9, 2012. This local law requires that gasoline retailers who offer "two tier" pricing (cash price vs. debit/credit price) to display **all** tiers of pricing when utilizing street side price signs. This is a change to the existing Deceptive Trade Practice Law which permitted the posting of one "tier" of selling prices along with the corresponding method of payment for those selling prices.

Westchester County Local Law (4723-2011):

"Displaying gasoline prices in a manner which fails to include and make plainly visible to the consumer of the difference, if any, between the price per gallon for payment by cash, debit or credit. For example, a sign which only reveals the price per gallon for a cash payment, but fails to include and make plainly visible the price per gallon for payment by debit or credit when a difference in price exists, shall constitute a deceptive trade practice. However, a sign which does not distinguish between the price per gallon for payment by cash and payment by debit or credit shall not be considered a deceptive trade practice only if the price per gallon is the same regardless of the form of payment."

Below are answers to some frequently asked questions which will assist retailers in complying with the provisions of the new law:

Does the new regulation affect gasoline retailers who offer only one (1) "tier" or price for cash and debit/credit sales and display prices on a street sign? *No, the new regulation only applies to those retailers who use "two tier" pricing and use street signs to advertise prices.*

Are retailers who do not advertise prices by using street signs, now required to post prices on a street sign? *No, the new law does not require retailers to have prices posted on street signs. Street signs displaying selling prices are not required under State or County Law.*

Can a retailer who utilizes two tier pricing, display the prices for only one blend of gasoline (e.g. regular) on a street sign? *Yes, as long as both the cash and debit/credit prices for that blend are displayed on the street sign.*

Does the new regulation affect existing "pump top" signs on gasoline pumps? *No, pump top signs are required by New York State Agriculture and Market Law. There has been no change to the State Law with regards to pump top signs.*

Are gasoline retailers subject to fines if they use "two tier" pricing and post on street signs only the lower "tier" price? *Yes, gasoline retailers are subject to fines under the enforcement provisions of the Westchester County Consumer Protection Code.*

Additional questions regarding the new law should be directed to the Department of Consumer Protection, Weights and Measures Division at conpro@westchestergov.com or by calling (914) 995-2179.

Sincerely,



John P. Gaccione
Acting Director and County Sealer



LOCAL LAW NO ⁴⁷²³ 2011

A LOCAL LAW to amend Chapter 863 of the Laws of Westchester County to Address Deceptive Trade Practices in Gasoline Pricing Signs.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. Subdivision "7" of section 863.11 of the Laws of Westchester County is hereby amended to add new subsection "k" to read as follows:

k. Displaying gasoline prices in a manner which fails to include and make plainly visible to the consumer of the difference, if any, between the price per gallon for payment by cash, debit or credit. For example, a sign which only reveals the price per gallon for a cash payment, but fails to include and make plainly visible the price per gallon for payment by debit or credit when a difference in price exists, shall constitute a deceptive trade practice. However, a sign which does not distinguish between the price per gallon for payment by cash and payment by debit or credit shall not be considered a deceptive trade practice only if the price per gallon is the same regardless of the form of payment.

§2. This Local Law shall take effect six (6) months from the date of enactment.