

## **New York City Department of Consumer Affairs**

### **Notice of Adoption**

Notice of Adoption to amend 6 RCNY § 3-95 to require that all fuel oil vehicle printer tickets contain at least the last six digits of the Vehicle Identification Number (VIN) for the vehicle making each delivery and to add a new rule 6 RCNY § 3-103, which would require fuel oil businesses to maintain copies of printer tickets for two years and to produce a ticket to DCA during annual inspection.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 180(3) of the Agriculture and Markets Law, Section 2203(f) of the City Charter and Section 20-574 of Chapter 3 of Title 20 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Section 3-95 of Title 6 of the Rules of the City of New York and adds Section 3-103 to Title 6 of the Rules of the City of New York.

This rule was proposed and published on April 19, 2018. A public hearing was held on May 21, 2018.

### **Statement of Basis and Purpose of Rule**

Section 3-95 of Title 6 of the Rules of the City of New York requires a company selling fuel oil to provide a purchaser a printer ticket with each delivery of fuel oil from vehicles tanks equipped with meters. Printer tickets must be consecutively numbered and contain the date of delivery, the name of the customer and delivery address, truck number, sales number, grade, price per gallon, quantity of the oil delivered, and the driver's signature.

The Manhattan District Attorney's Office, together with other New York City agencies, including the Department of Consumer Affairs (DCA), recently uncovered various schemes by fuel oil companies and related individuals to defraud customers by shorting deliveries to residential, commercial, and municipal properties throughout New York City. To protect consumers from such fraudulent business practices, and to promote accountability of the fuel oil industry, this rule requires fuel oil companies to include on each printer ticket provided to a purchaser at least the last 6 digits of the Vehicle Identification Number (VIN) for the vehicle that made the delivery. This information will facilitate the lodging of complaints by consumers with the company selling the fuel oil and with DCA (and the agency's response to such complaints because DCA maintains records of fuel oil delivery vehicles by VIN).

Section 3-95 also provides that the price per gallon may be omitted from a printer ticket left at the delivery if a second copy with the price per gallon is mailed to the purchaser within 24 hours. In response to a comment received during the public comment period, DCA is extending the time during which a second copy must be mailed to 48 hours from 24 hours.

DCA is also adding Section 3-103 of the Rules, which requires fuel oil providers to maintain a copy of all issued printer tickets for two years, and to produce issued tickets at the time of DCA's annual inspection. Fuel oil providers must produce issued tickets upon request of the Department during an inspection. This rule is necessary to allow DCA to ensure that fuel oil providers are complying with the printer ticket requirements.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

### **Rule**

Section 1. Section 3-95 of subchapter E of chapter 3 of title 6 of the Rules of the City of New York is amended to read as follows:

#### **§3-95 Contents of Printer Tickets.**

Such printer tickets shall be consecutively numbered and shall contain the following: date of delivery, name of the customer and the delivery address, truck number, at least the last six digits of the Vehicle Identification Number, sales number, grade, price per gallon and quantity of the oil delivered and the driver’s signature; except that on those truck meters not equipped to print a sales number, the driver must have the initial totalizer readings recorded in ink or typed on his daily route sheet, and the original totalizer numbers must be kept in the office; or the printer shall print totalizer readings on the delivery ticket; provided, further, that the price per gallon may be omitted on the copy of the delivery ticket required to be left at the point of delivery if a second copy of the delivery ticket, on which the price per gallon is recorded, is mailed or delivered to the purchaser of the fuel oil within [24]48 hours of delivery.

§ 2. Subchapter E of chapter 3 of title 6 of the Rules of the City of New York is amended by adding a new Section 3-103 to read as follows:

#### **§3-103 Inspection of Printer Tickets.**

Any person engaged in the business of delivering fuel oil to purchasers in the City of New York from vehicle tanks equipped with meters must retain a copy of each printer ticket for a period of two years after the corresponding delivery is made. At the time of inspection by the Department, the person must produce, upon request, a copy of any printer ticket delivered to a consumer within the past two years.