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**SUBSTITUTE HOUSE BILL 2053**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Public Safety & Emergency Preparedness  
(originally sponsored by Representatives Goodman, Springer, O'Brien,  
Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst)

READ FIRST TIME 02/28/07.

1            AN ACT Relating to improving the availability of motor vehicle fuel  
2 in the event of an electric power outage or interruption in electric  
3 service; adding a new section to chapter 82.04 RCW; adding a new  
4 chapter to Title 19 RCW; creating a new section; prescribing penalties;  
5 and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            NEW SECTION.    **Sec. 1.** The definitions in this section apply  
8 throughout this chapter unless the context clearly requires otherwise.

9            (1) "Disaster" means any natural, technological, or civil emergency  
10 that results in a declaration of a state of emergency by a county, the  
11 governor, or the president of the United States.

12            (2) "Motor fuel retail outlet" means a facility where motor fuel is  
13 offered for sale, at retail, to the general public. "Motor fuel retail  
14 outlet" includes any self-service, full-service, or combination self-  
15 service and full-service facility, regardless of whether the facility  
16 is located on the grounds of, or is owned by, another retail business  
17 establishment that does not engage in the business of selling motor  
18 fuel.

1        NEW SECTION.    **Sec. 2.**    (1) Each corporation or entity that owns,  
2 operates, or franchises ten or more motor fuel retail outlets within a  
3 single county shall, in one of every ten of its motor fuel retail  
4 outlets, install appropriate wiring and transfer switches capable of  
5 operating all fuel pumps and payment acceptance equipment using an  
6 alternate generated power source in the event of an electric power  
7 outage or interruption in electric service.

8        (2) Installation of appropriate wiring and transfer switches must  
9 be performed by a certified electrical contractor.

10       (3)(a) Each motor fuel retail outlet prewired under subsection (1)  
11 of this section shall retain, on-site or at its corporate headquarters,  
12 a written statement attesting to the periodic testing of the equipment  
13 to ensure the operational capacity.

14       (b) This written statement must be made available, upon request, to  
15 the department of agriculture.

16       (4) Each corporation or entity that owns, operates, or franchises  
17 ten or more motor fuel retail outlets within a single county must  
18 maintain at least one portable generator that is capable of providing  
19 an alternate generated power source as required under subsection (1) of  
20 this section for one of every ten of its motor fuel retail outlets.

21       NEW SECTION.    **Sec. 3.**    (1) A corporation or entity that owns,  
22 operates, or franchises ten or more motor fuel retail outlets within a  
23 single county that fails to comply with the requirements of section 2  
24 of this act commits a class 1 civil infraction as provided in RCW  
25 7.80.120.

26       (2) In addition to the penalty provided for in subsection (1) of  
27 this section, in the event of a power outage caused by a disaster, a  
28 corporation or entity that owns, operates, or franchises ten or more  
29 motor fuel retail outlets within a single county that fails to comply  
30 with the requirements of section 2 of this act is subject to a civil  
31 penalty of five hundred dollars per day for each day such delinquency  
32 continues.

33       NEW SECTION.    **Sec. 4.**    The director of the department of  
34 agriculture shall enforce the provisions of this act in conjunction  
35 with his or her enforcement duties under chapter 19.94 RCW.    The

1 director shall, upon his or her own initiative and as he or she deems  
2 appropriate and advisable, investigate complaints made concerning  
3 violations of the provisions of this chapter.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.04 RCW  
5 to read as follows:

6 (1) In computing the tax imposed under this chapter a credit is  
7 allowed for purchase and installation of appropriate wiring and  
8 transfer switches by a corporation or entity that owns, operates, or  
9 franchises ten or more motor fuel retail outlets within a single  
10 county. The total amount of the lifetime credit available to each  
11 corporation or entity that owns, operates, or franchises ten or more  
12 motor fuel retail outlets within a single county is equal to the lesser  
13 of fifty percent of the cost of the installation of appropriate wiring  
14 and transfer switches or twenty thousand dollars.

15 (2) A person taking the credit under this section is subject to all  
16 requirements of chapter 82.32 RCW. A credit earned during one calendar  
17 year may be carried over to be credited against taxes incurred in the  
18 subsequent calendar year, but may not be carried over a second year.  
19 No refunds may be granted for credits under this section.

20 (3) No application is necessary for this tax credit. The person  
21 must keep records necessary for the department to verify eligibility  
22 under this section.

23 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act may be  
24 known and cited as the consumer emergency motor fuel act.

25 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute  
26 a new chapter in Title 19 RCW.

27 NEW SECTION. **Sec. 8.** This act takes effect October 1, 2007.

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