
SENATE BILL 6052

State of Washington

68th Legislature

2024 Regular Session

By Senators Nguyen, Conway, Hasegawa, Keiser, Kuderer, Lias, Pedersen, Saldaña, Stanford, and Valdez; by request of Office of the Governor

Read first time 01/09/24. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to petroleum products supply and pricing;
2 amending RCW 19.86.140 and 42.56.330; adding a new chapter to Title
3 19 RCW; creating a new section; prescribing penalties; and declaring
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** The state of Washington finds and declares
7 that in the midst of an energy transition away from reliance on
8 fossil fuels, but until that transition is complete, the petroleum-
9 based transportation fuels are of critical importance to the people
10 and businesses of the state. The legislature further finds and
11 declares that the Washington state government requires: At all times
12 a complete and thorough understanding of the operation of petroleum
13 markets, to enable it to respond to possible shortages, price shocks,
14 oversupplies, or other disruptions; and access to timely reporting,
15 assessment, and data collection activities to serve information and
16 policy development needs of the governor, the legislature, public
17 agencies, market participants, and the public.

18 Washington consumers, state and local agencies, businesses, and
19 policymakers, planners, and enforcement agencies lack access to
20 sufficient pricing and operational information held by refinery
21 operators, fuel suppliers, and others in the supply chain for

1 transportation fuels. Such pricing and operational information for
2 transportation fuels is critical to understanding the cost basis for
3 prices, identifying improper pricing or supply control behaviors in
4 the market, and protecting Washington state consumers, government
5 entities, and businesses. Similar information is already available
6 for other critical fuels, such as electricity.

7 To protect consumers, Washington state must collect detailed
8 pricing and operational information from refineries, fuel suppliers,
9 and others in the petroleum products supply chain, analyze the data,
10 and provide summarized reports to the public and lawmakers to expose
11 relevant cost and pricing practices in the industry, and to identify
12 market design flaws, market power abuses, and any other manner by
13 which market participants act to harm competition or act contrary to
14 the best interests of consumers in the state.

15 Furthermore, to ensure that the market for petroleum products is
16 free of anticompetitive and predatory conduct, the legislature finds
17 that additional legal consequences are needed to ensure that
18 petroleum industry prices and practices do not harm consumers.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires
21 otherwise.

22 (1) "Commission" means the utilities and transportation
23 commission.

24 (2) "Destination facility" means any structure, group of
25 structures, equipment, pipeline, or device, other than a vessel, that
26 receives oil in bulk to or from a tank vessel, railroad car, or
27 pipeline, that is used for producing, storing, handling,
28 transferring, processing, or transporting oil in bulk. A "destination
29 facility" does not include any railroad car, motor vehicle, or other
30 rolling stock while transporting oil over the highways or rail lines
31 of this state.

32 (3) "Division" means the division of petroleum market oversight.

33 (4) "Environmental marketing claim" means a claim about the
34 environmental attributes of a product, package, or service in
35 connection with the marketing, offering for sale, or sale of such
36 item or service to individuals, or in business-to-business
37 transactions. These claims include those made in labeling,
38 advertising, promotional materials, and all other forms of marketing
39 in any medium, whether asserted directly or by implication, through

1 words, symbols, logos, depictions, product brand names, or any other
2 means.

3 (5) "Gross transportation fuels refining margin" means the
4 difference, expressed in dollars per barrel, between the volume-
5 weighted average price of wholesale transportation fuels sold by a
6 refiner in the state and the average price of crude oil received by
7 the refinery.

8 (6) "Major marketer" means any person who sells transportation
9 fuels or oil intended for use in Washington in amounts determined by
10 the commission as having a major effect on transportation fuel
11 supplies in Washington.

12 (7) "Net transportation fuels refining margin" means the gross
13 transportation fuels refining margin minus the refinery's operational
14 costs.

15 (8) "Operational costs" means costs, expressed in dollars per
16 barrel, necessarily incurred by the operator of a refinery in the
17 state to produce transportation fuels meeting Washington
18 specifications including, but not limited to, costs of labor,
19 electricity, natural gas, chemicals, maintenance, hydrogen, and other
20 intermediate oil products, federal renewable identification numbers,
21 obligation costs, logistics costs, and additive costs.

22 (9) "Person" means any person, firm, association, organization,
23 partnership, business trust, corporation, limited liability company,
24 or company. "Person" also includes any city, county, public district
25 or agency, the state or any department or agency thereof, and the
26 United States to the extent authorized by federal law.

27 (10) "Planned maintenance" means regular, periodic maintenance or
28 repair of one or more pieces of equipment within a petroleum refinery
29 that reduces output of transportation fuels at a level that may
30 affect market supply.

31 (11) "Refiner" means any person who owns, operates, or controls
32 the operations of one or more refineries in Washington.

33 (12) "Refinery" means any industrial plant, regardless of
34 capacity, processing crude oil feedstock and manufacturing
35 transportation fuels in Washington.

36 (13) "Spot market transaction" means a single bulk transaction
37 involving a maximum of one product and one delivery, with title
38 transfer occurring within one year.

39 (14) "Transportation fuels" means gasoline, gasoline blending
40 components, diesel, or diesel blending components.

1 (15) "Turnaround" means a planned, periodic shutdown, total or
2 partial, of a refinery process unit or plant to perform maintenance,
3 overhaul, and repair operations and to inspect, test, and replace
4 process materials and equipment. "Turnaround" does not include
5 unplanned shutdowns that occur due to emergencies or other unexpected
6 maintenance matters in a process unit or plant. "Turnaround" also
7 does not include planned maintenance as defined in subsection (10) of
8 this section.

9 (16) "Unbranded," as applied to fuel, means gasoline and diesel
10 fuel sold for wholesale or retail distribution to consumers without
11 proprietary additives or marketing under a brand name or trademark
12 owned or controlled by an independent refiner or an integrated
13 refining and marketing company.

14 (17) "Unplanned maintenance" means any maintenance or repair that
15 requires the shutdown of any part of the petroleum refinery that
16 reduces output of transportation fuels at a level that may affect
17 market supply, and was not scheduled as turnaround or planned
18 maintenance.

19 NEW SECTION. **Sec. 3.** The commission shall have responsibility
20 to implement sections 6 through 19 of this act and shall establish a
21 new organizational unit to collect, analyze, and report on
22 operational, pricing, and cost information from fuel suppliers,
23 refineries, and other entities in the supply chain for transportation
24 fuels sold in Washington. In addition, the commission shall provide
25 administrative support to the division created within the commission
26 under RCW 19.86.140 and sections 4 and 5 of this act.

27 NEW SECTION. **Sec. 4.** (1) The division of petroleum market
28 oversight is hereby established in the commission.

29 (2) Notwithstanding the commission's structure, the division
30 shall operate with authority independent of the commission's
31 authority.

32 (3) The division must be led by a director, who is appointed by
33 the governor and holds office at the pleasure of the governor.

34 (4) The director shall employ and prescribe the duties of other
35 staff members as necessary to carry out the provisions of this
36 section. The staff must include, when feasible, economists,
37 individuals with expertise in transportation fuels markets, and
38 investigative staff with legal training.

1 NEW SECTION. **Sec. 5.** (1) The division shall have the following
2 powers and duties:

3 (a) Provide independent oversight and analysis of the
4 transportation fuels markets for the protection of consumers by
5 identifying market design flaws, market power abuses, and any other
6 manner by which market participants act to harm competition or act
7 contrary to the best interests of consumers in the state;

8 (b) Provide guidance and recommendations to the commission
9 relating to the development of the assessment required by section 13
10 of this act and the transportation fuels transition plan described in
11 section 16 of this act;

12 (c) Provide guidance and recommendations to the governor, members
13 of the commission, and other divisions of the commission on any other
14 issues related to transportation fuels pricing and transportation
15 decarbonization in Washington; and

16 (d) Report its findings and recommendations to improve market
17 performance at least annually to the legislature, the governor, the
18 commission, the attorney general, and the department of licensing.

19 (2) The division may subpoena witnesses, compel their attendance
20 and testimony, administer oaths and affirmations, take evidence and
21 require by subpoena the production of any books, papers, records, or
22 other items material to the performance of the division's duties or
23 exercise of its powers including, but not limited to, current and
24 historical pricing and sales data and contracts with other petroleum
25 industry participants.

26 (3) The division may refer potential violations of law to the
27 attorney general confidentially at any time.

28 NEW SECTION. **Sec. 6.** (1) Each refiner and major marketer shall
29 submit information each month to the commission in such form and
30 extent as the commission prescribes pursuant to this section. The
31 information must be submitted within 30 days after the end of each
32 monthly reporting period and must include the following:

33 (a) Refiners shall report, by volume, price, and type, for each
34 of their refineries, feedstock inputs, origin of petroleum receipts,
35 imports of finished petroleum products and blendstocks and ethanol,
36 including the source of those imports, exports out of the state of
37 finished petroleum products and blendstocks and ethanol, including
38 the destination of those exports and the entity receiving those
39 exports, refinery outputs by product type, refinery stocks, finished

1 product supply and distribution, including all gasoline sold
2 unbranded by the refiner, blender, or importer.

3 (b) Major marketers shall report, by volume, price, and type, on
4 sales of petroleum product intended for use in Washington.

5 (2) Each refiner, major marketer, major transporter, major
6 storer, pipeline operator, or port through which transportation fuel
7 is imported or exported, shall annually submit information to the
8 commission in such form and extent as the commission prescribes
9 pursuant to this section. The information must be submitted within 30
10 days after the end of each reporting period, and must include the
11 following:

12 (a) Major transporters shall report on petroleum by reporting the
13 capacities of each major transportation system, the amount
14 transported by each system, and inventories thereof. The commission
15 may prescribe rules and regulations that exclude pipeline and
16 transportation modes operated entirely on property owned by major oil
17 transporters from the reporting requirements of this section if the
18 data or information is not needed to fulfill the purposes of this
19 chapter.

20 (b) Major storers shall report on storage capacity, inventories,
21 receipts and distributions, and methods of transportation of receipts
22 and distributions.

23 (c) Refiners shall report on facility capacity, and utilization
24 and method of transportation of refinery receipts and distributions.

25 (d) Major marketers shall report on facility capacity, methods of
26 transportation and distribution, and all sales of petroleum product
27 intended for use in Washington.

28 (e) Pipeline operators and port operators shall report their
29 capacities for all pipelines and ports used to transport
30 transportation fuels.

31 (f) All refiners, major marketers, major transporters, major
32 storers, pipeline operators, or port operators submitting information
33 under this subsection shall include in the report for each reporting
34 period the full names of all persons or entities that directly or
35 indirectly own 10 percent or more of the refiner, major marketer,
36 major transporter, major storer, pipeline operator, or port operator
37 submitting the information.

38 (3) The commission may by order or regulation modify the
39 reporting period as to any individual item of information setting
40 forth in the order or regulation its reason for so doing.

1 (4) (a) The commission shall quarterly prepare and make available
2 to the public a summary report based on the data collected pursuant
3 to subsection (1) of this section. The commission shall aggregate
4 information used in a report prepared under this subsection to the
5 extent necessary to assure confidentiality of all specific
6 confidential information exempt from public disclosure and protected
7 as confidential under section 11 of this act.

8 (b) The commission may require additional information to be
9 submitted as necessary to perform its responsibilities under this
10 chapter.

11 (5) Any person required to submit information or data under this
12 chapter, in lieu thereof, may submit a report made to any other
13 governmental agency, if:

14 (a) The alternate report or reports contain all of the
15 information or data required by this chapter; and

16 (b) The person clearly identifies the specific provision of this
17 chapter to which the alternate report is responsive.

18 (6) Each refiner shall submit to the commission, within 30 days
19 after the end of each monthly reporting period, in such form and
20 extent as the commission prescribes, monthly Washington weighted
21 average prices and sales volumes of finished transportation fuels
22 sold through company-operated retail outlets, to other end users, and
23 to wholesale customers.

24 (7) (a) Beginning August 1, 2024, and each month thereafter, an
25 oil refiner, petroleum product transporter, petroleum product
26 marketer, petroleum product pipeline operator, and terminal operator,
27 as designated by the commission, shall submit a report in the form
28 and extent as the commission prescribes pursuant to this section. The
29 commission may determine the form and extent necessary by order or by
30 regulation.

31 (b) A report may include any of the following information:

32 (i) Receipts and inventory levels of crude oil and petroleum
33 products at each refinery and terminal location;

34 (ii) Amount of transportation fuels imported and exported out of
35 the state;

36 (iii) Amount of, transportation fuels transported intrastate by
37 marine vessel;

38 (iv) Amount of crude oil imported, including information
39 identifying the source of the crude oil; or

1 (v) The regional average of invoiced retailer buying price. This
2 subsection does not preclude or augment the current authority of the
3 commission to collect additional data under subsection (4)(b) of this
4 section.

5 (8) Entities must retain for commission review for three years,
6 but not submit to the commission, copies of all contracts or
7 agreements entered into, or amendments to contracts or agreements,
8 with other oil refiners, petroleum product transporters, petroleum
9 product marketers, petroleum product pipeline operators, terminal
10 operators, or any other entity that trades in petroleum products
11 whether or not those entities take possession of petroleum products,
12 as designated by the commission, during the monthly reporting period,
13 along with records of every transaction made under those contracts or
14 agreements and the prices charged for those transactions.

15 (9) All importers of transportation fuels via marine vessel shall
16 report to the commission, at least 96 hours before the arrival of a
17 marine vessel delivery to Washington, all of the following
18 information:

19 (a) The name of the product tanker or name of the barge,
20 including associated tug name;

21 (b) The loading location or locations for cargo;

22 (c) The volume by each type of transportation fuel, such as
23 gasoline, gasoline blending components, diesel fuel, renewable diesel
24 fuel, jet fuel, sustainable aviation fuel, biodiesel, and ethanol;

25 (d) The cargo landed cost, including the cost incurred to
26 purchase, load, transport, and all other costs and fees to deliver
27 each type of transportation fuel; and

28 (e) The status of any transportation fuel as sold before
29 discharge, the identity of the buyer for any presold product, and the
30 sale price of any presold product.

31 (10) Nonrefiners, such as proprietary storage companies, that
32 commercially trade in transportation fuels shall retain for
33 commission review for three years, but not submit to the commission,
34 copies of monthly transportation fuels inventory volume records by
35 type for each position holder by name of company, and copies of all
36 contracts or agreements entered into with any refiners, oil
37 producers, petroleum product transporters, petroleum product
38 marketers, petroleum product pipeline operators, terminal operators,
39 or any other entity that trades in petroleum products whether or not

1 those entities take possession of those products, as designated by
2 the commission.

3 (11) Refiners and nonrefiners that consummate spot market
4 transactions shall submit a monthly report to the commission,
5 starting 30 days after the effective date of this section, that
6 includes all of the following information for each transaction
7 occurring during the preceding month:

8 (a) The identity of the spot market where the transaction
9 occurred;

10 (b) Whether the transaction was reported to the oil price
11 information service, or any other price reporting service, and the
12 time of the reporting;

13 (c) The date of the transaction;

14 (d) The time of the transaction;

15 (e) The contract identification number for the transaction;

16 (f) The position sequence number for the transaction;

17 (g) The contract position identification number for the
18 transaction;

19 (h) The name, or nonanonymized identification, of the executing
20 trader for the transaction;

21 (i) The counterparty for the transaction, including company name
22 and name or nonanonymized identification of the executing trader;

23 (j) Whether the reporting entity is the seller or buyer;

24 (k) The broker, including company name and name or nonanonymized
25 identification of the executing broker;

26 (l) The type of transportation fuel;

27 (m) The product name for each type of transportation fuel;

28 (n) The volume of each transaction in thousands of barrels, or
29 specified unit of measurement if unable to be indicated in thousands
30 of barrels;

31 (o) The invoiced volume of each transaction in thousands of
32 barrels, or specified unit of measurement if unable to be indicated
33 in thousands of barrels;

34 (p) The time and date the material that is the subject of the
35 transaction is scheduled to be delivered or was delivered;

36 (q) The delivery location specified in the contract for the
37 transaction and the actual delivery location;

38 (r) The method of transportation for the delivery, such as
39 pipeline, marine vessel, or truck, and the name of the transport;

40 (s) The actual title transfer date;

1 (t) The contract subcycle, including descriptors such as "any,"
2 "L3," "FH," "BH," "C1," "C2," "C3," or "C4";

3 (u) The type of pricing method, including exchange of futures for
4 physical, fixed price, fixed date range, floating date range,
5 reference formula, oil price information service close, event-related
6 date range, such as seven days on and around delivery or discharge,
7 or any other utilized method of pricing;

8 (v) The contract price formula, including the differential from
9 any contract formula and the unit of measurement for any price
10 differential;

11 (w) The pricing start and end dates for each contract;

12 (x) The price value of the contract; and

13 (y) For exchange of futures for physical contracts, the name of
14 the futures product, the contract month of the futures product
15 expressed as the two-digit month and the two-digit year (MM-YY), and
16 the price value of the futures product.

17 (12) It is the intent of the legislature that all refiners shall,
18 while protecting the health and safety of the public and employees,
19 schedule planned maintenance and turnaround in a manner that ensures
20 minimum levels of transportation fuels in production or reserves
21 necessary to adequately and affordably meet demand. To advance that
22 purpose, refiners shall provide quarterly reports to the commission
23 of planned and unplanned maintenance and turnaround activities that
24 occurred at each refinery during the reporting period.

25 (a) A refiner's report must include, at a minimum, all of the
26 following information:

27 (i) A brief description of the completed work;

28 (ii) The start date;

29 (iii) The return-to-service date;

30 (iv) The individual process units involved;

31 (v) The name and operational capacity of each process unit;

32 (vi) The daily decrease in output of transportation fuel intended
33 to be used in Washington;

34 (vii) The quantity of contractual supply obligations for finished
35 transportation fuels due during the planned maintenance event or
36 turnaround;

37 (viii) The drawdown of inventory levels of transportation fuels
38 and other material or substance produced by the unit that are
39 controlled by the refiner at the refinery and at other storage
40 locations in Washington during the planned maintenance event or

1 turnaround, and the levels of such inventories immediately before the
2 commencement of the planned maintenance event or turnaround;

3 (ix) Imports of transportation fuels and other material or
4 substance produced by the unit in preparation for or during the
5 planned maintenance event;

6 (x) Purchases of transportation fuels and other material or
7 substance produced by the unit from other market participants in
8 Washington related to the planned maintenance event;

9 (xi) Planned reductions of noncontracted sales of transportation
10 fuels or other material or substance produced by the unit related to
11 the planned maintenance event.

12 (b) For unplanned maintenance resulting in a shutdown of a
13 refinery process of greater than 24 hours, each refiner must submit
14 as part of the quarterly reports all of the following information:

15 (i) The name and operational capacity of each process unit
16 involved in the unplanned outage;

17 (ii) The daily decrease in output of transportation fuels from
18 each process unit affected by the unplanned outage;

19 (iii) The inventory levels of the material or substance produced
20 by the unit affected by the unplanned outage that are controlled by
21 the refiner at the refinery and at other storage locations in
22 Washington during the unplanned maintenance event;

23 (iv) A description of the reason for the unplanned maintenance or
24 outage;

25 (v) The duration of production reduction;

26 (vi) The return-to-service date;

27 (vii) The total decreased output of transportation fuels from
28 each of the affected process units;

29 (viii) The total increased output from other process units by
30 type of product to partially compensate for the reduced output from
31 the process units affected by the unplanned outage;

32 (ix) The amount of material obtained from other sources that
33 compensated for the decrease described in (b)(vii) of this subsection
34 and enabled the refiner to cover for the loss of that production; and

35 (x) The drawdown of inventory levels of any material or substance
36 produced by the unit that are controlled by the refiner at the
37 refinery and at other storage locations in Washington during the
38 unplanned maintenance event.

39 (c) Upon receipt of a report under this subsection, the chair of
40 the commission shall review the report and may request any additional

1 information from the refiner that is necessary for the commission to
2 assess the effect of the planned maintenance event on the supply and
3 prices of transportation fuels in the state.

4 (13)(a) Notwithstanding any other law, information in the report
5 provided to the commission by a refiner regarding its planned
6 maintenance, unplanned maintenance, or turnaround, including reports
7 under subsection (12) of this section, is confidential information
8 exempt from public disclosure as provided under section 11 of this
9 act.

10 (b) The commission may adopt regulations or guidance or both to
11 prescribe the manner in which the director of the commission shall
12 implement subsection (12) of this section.

13 NEW SECTION. **Sec. 7.** (1) Beginning August 1, 2024, within 30
14 days of the end of each calendar month, the operator of each refinery
15 operating in the state that produces transportation fuel meeting
16 Washington specifications shall submit to the commission a report for
17 the refinery containing all of the following information:

18 (a) The volume, in barrels, of crude oil received in that month,
19 separated into subtotals by country of origin;

20 (b) The volume-weighted average crude oil acquisition cost paid
21 for crude oil that is received and intended to be refined during that
22 month, separated into crude oil acquisition costs by country of
23 origin;

24 (c) The volume in barrels of transportation fuels received or
25 imported in that month from entities other than the refiner;

26 (d) The volume-weighted average cost of any transportation fuels
27 received or imported by a refiner during that month;

28 (e) The quantity, in barrels, of wholesale transportation fuels
29 meeting Washington specifications sold and the corresponding volume-
30 weighted average prices, less all applicable local, state, and
31 federal taxes, separated by unbranded rack sales, branded rack sales,
32 bulk sales, spot pipeline sales, and dealer tankwagon sales in that
33 month;

34 (f) The gross transportation fuels refining margin per barrel of
35 gasoline sold in that month;

36 (g) The operational costs per barrel of gasoline sold in that
37 month, including a complete description and amount of each category
38 of cost identified in (b) of this subsection and any other category
39 of cost; and

1 (h) The net transportation fuels refining margin per barrel of
2 gasoline sold in Washington that month.

3 (2) Within 45 days of the end of each calendar month, the
4 commission shall post on its internet website all of the following:

5 (a) The gross transportation fuels refining margin data reported
6 pursuant to this section for that month, and any gross transportation
7 fuels refining margin independently calculated by the commission, as
8 a volume-weighted gross refining margin in aggregate for all the
9 combined refineries in the state;

10 (b) The gross transportation fuels refining margin data reported
11 for that month, and any gross transportation fuels refining margin
12 independently calculated by the commission, in aggregate for each
13 refiner with more than one refinery operating within Washington;

14 (c) The net transportation fuels refining margin data reported
15 pursuant to this section for that month, and any net transportation
16 fuels refining margin independently calculated by the commission, as
17 a volume-weighted net refining margin in aggregate for all the
18 combined refineries in the state;

19 (d) The net transportation fuels refining margin data reported
20 for that month, and any net transportation fuels refining margin
21 independently calculated by the commission, in aggregate for each
22 refiner with more than one refinery operating within the state;

23 (e) The aggregated data submitted pursuant to (a) through (d) of
24 this subsection, inclusive, for that month; and

25 (f) The average retail price of gasoline by region, and a
26 breakdown of that average price into retail margin and costs,
27 distribution (from the rack to the stations) margin and costs,
28 wholesale (from the refiner to the rack) margin and costs, and
29 refinery margin and costs.

30 (3) The commission, in consultation with the department of
31 ecology, must adopt a methodology for refiners to use to provide
32 separate quantification of the volume-weighted fees or estimated
33 valuations of costs embedded in all wholesale transportation fuels
34 sales associated with the Washington clean fuels program created
35 pursuant to chapter 70A.535 RCW and the Washington cap and invest
36 program created pursuant to chapter 70A.65 RCW, for each volume-
37 weighted average price for: (a) Unbranded rack sales; (b) branded
38 rack sales; (c) bulk sales; (d) spot pipeline sales; and (e) dealer
39 tankwagon sales. The commission must provide the opportunity for
40 public input regarding the development of the methodology. Beginning

1 60 days after the commission has adopted the methodology, the
2 quantification must be included in the monthly reports required in
3 this section.

4 NEW SECTION. **Sec. 8.** (1) The commission, utilizing its own
5 staff and other support staff having expertise and experience in, or
6 with, the petroleum industry, shall gather, analyze, and interpret
7 the information submitted to it pursuant to section 6 of this act and
8 other information relating to the supply and price of petroleum
9 products, with particular emphasis on motor vehicle fuels including,
10 but not limited to, all of the following:

11 (a) The nature, cause, and extent of any petroleum or petroleum
12 products shortage or condition affecting supply;

13 (b) The economic and environmental impacts of any petroleum and
14 petroleum products shortage or condition affecting supply;

15 (c) Petroleum or petroleum products demand and supply forecasting
16 methodologies utilized by the petroleum industry in Washington;

17 (d) The prices, with particular emphasis on retail motor fuel
18 prices, including sales to unbranded retail markets, and any
19 significant changes in prices charged by the petroleum industry for
20 petroleum or petroleum products sold in Washington and the reasons
21 for those changes;

22 (e) The profits, both before and after taxes, of the industry as
23 a whole and of major firms within it, and where in the supply chain
24 these profits are realized, including a comparison with other major
25 industry groups and major firms within them as to profits, return on
26 equity and capital, and price-earnings ratio;

27 (f) For companies that own a refinery in Washington state and one
28 or more refineries elsewhere in the United States, a comparison of
29 profits at their Washington refinery and each other refinery;

30 (g) The emerging trends relating to supply, demand, and
31 conservation of petroleum and petroleum products;

32 (h) The nature and extent of efforts of the petroleum industry to
33 expand refinery capacity and to make acquisitions of additional
34 supplies of petroleum and petroleum products; and

35 (i) The development of a petroleum and petroleum products
36 information system in a manner that will enable the state to take
37 action to meet and mitigate any petroleum or petroleum products
38 shortage or condition affecting supply.

1 (2) The commission shall analyze the impacts of state and federal
2 policies and regulations upon the supply and pricing of
3 transportation fuels.

4 NEW SECTION. **Sec. 9.** (1) Within 70 days after the end of each
5 preceding quarter of each calendar year, the commission shall publish
6 and submit to the governor and the legislature a summary, an
7 analysis, and an interpretation of the information submitted to it
8 pursuant to section 6 of this act, consistent with the
9 confidentiality requirements of section 11 of this act. Any person
10 may submit comments in writing regarding the accuracy or sufficiency
11 of the information submitted.

12 (2) The commission shall prepare a biennial assessment of the
13 information provided pursuant to this chapter.

14 (3) The commission may use reasonable means necessary and
15 available to it to seek and obtain any facts, figures, and other
16 information from any source for the purpose of preparing and
17 providing reports to the governor and the legislature. The commission
18 shall specifically include in the reports its analysis of any
19 unsuccessful attempts in obtaining information from potential
20 sources, including the lack of cooperation or refusal to provide
21 information.

22 (4) Whenever the commission fails to provide any report required
23 pursuant to this section within the specified time, it shall provide
24 to all members of the legislature, within five days of the specified
25 time, a detailed written explanation of the cause of any delay.

26 NEW SECTION. **Sec. 10.** (1) The commission shall notify those
27 persons who have failed to timely provide the information specified
28 and required by the commission under this chapter. If, within five
29 business days after being notified of the failure to provide the
30 specified information, the person willfully fails to supply the
31 specified information, the person is subject to a civil penalty of
32 not less than \$5,000 nor more than \$20,000 per day for each day the
33 submission of information is refused or delayed, up to a maximum
34 penalty of \$500,000 per submission.

35 (2) A person who willfully makes any false statement,
36 representation, or certification in any record, report, plan, or
37 other document filed with the commission is subject to a civil

1 penalty not to exceed \$40,000, as well as all other civil and
2 criminal liability provided under applicable law.

3 (3) The administration of civil penalties under this section is
4 subject to the procedures provided in section 18 of this act, and to
5 the procedures for judicial review under the administrative procedure
6 act, chapter 34.05 RCW.

7 (4) In addition to any civil penalty provided for by this
8 section, if a person fails to timely provide the information
9 specified and required by the commission under this act, the
10 commission may petition a court for an order compelling the person to
11 provide that information.

12 (5) For purposes of this section, "person" means, in addition to
13 the definition contained in section 2 of this act, any responsible
14 corporate officer.

15 NEW SECTION. **Sec. 11.** (1) Because public disclosure of
16 information or data provided under this chapter could result in
17 unfair competitive disadvantage to the person supplying the
18 information or could adversely affect market competition, information
19 provided, disclosed, or presented to the commission or any other
20 state agency, or otherwise obtained by the commission or any other
21 state agency pursuant to this act, is confidential and is exempt from
22 public disclosure. This information must be held in confidence or
23 aggregated to the extent necessary to ensure confidentiality.

24 (2) The information confidential under subsection (1) of this
25 section includes business affairs or trade secrets provided to or
26 otherwise obtained by the department of licensing pursuant to this
27 chapter.

28 (3) Notwithstanding subsection (1) of this section, no
29 information submitted pursuant to this chapter is deemed confidential
30 if the information or data has been made public.

31 (4) Internal agency records developed based on information or
32 data that is confidential under subsection (1) of this section, is
33 confidential and is exempt from public disclosure, although reports
34 or aggregated data made public by the commission or any other state
35 agency pursuant to this act is not confidential.

36 (5) The commission, the division, or any other state agency in
37 possession of information that is confidential under this section,
38 shall aggregate information used in any reports prepared under this
39 chapter to the extent necessary to assure confidentiality of all

1 specific confidential information to the extent necessary to prevent
2 the disclosure of information that would result in unfair competitive
3 disadvantage to the person supplying the information or would
4 adversely affect market competition.

5 (6) With respect to petroleum products and blendstocks reported
6 by type pursuant to section 6(1) (a) or (b) of this act, information
7 provided pursuant to section 6 (6) and (7) of this act, and
8 information provided under section 7 of this act, neither the
9 commission, the department of ecology, the department of licensing,
10 or the attorney general, nor any employee or contractor of those
11 entities, may do any of the following:

12 (a) Use the information furnished under section 6 (1) (a) or (b),
13 (6), or (7) of this act, or under section 7 of this act, for any
14 purpose other than law enforcement or the statistical purposes for
15 which it is supplied;

16 (b) Make any publication whereby the information furnished by any
17 particular establishment or individual under section 6 (1) (a) or
18 (b), (6), or (7) of this act, or under section 7 of this act, can be
19 identified; or

20 (c) Permit anyone other than the commission, the department of
21 ecology, the attorney general, and employees or contractors of those
22 entities to examine the individual reports provided under section 6
23 (1) (a) or (b), (6), or (7) of this act, or under section 7 of this
24 act.

25 (7) Notwithstanding any other law, the commission may disclose
26 confidential information received pursuant to this act to the
27 department of ecology or the attorney general if the department of
28 ecology or the attorney general agrees to keep the information
29 confidential. With respect to the information it receives, the
30 department of ecology and the attorney general are subject to all
31 pertinent provisions of this section.

32 (8)(a) Notwithstanding any other law, the commission shall, upon
33 request, timely disclose confidential information received pursuant
34 to this act, to the speaker of the house, the senate committee on
35 rules, the appropriate policy committees in the house of
36 representatives or the senate, or staff members of each, provided
37 that the information must be provided only in aggregated or otherwise
38 anonymized form, and each individual person receiving or having
39 access to the information must first agree, in writing, to keep the
40 information confidential. Any person or committee receiving

1 information under this subsection is subject to all pertinent
2 provisions of this section.

3 (b) Aggregated or otherwise anonymized information disclosed
4 under (a) of this subsection must be made available by the commission
5 to the public no more than quarterly, upon request of the speaker of
6 the house of representatives, the senate committee on rules, or the
7 appropriate policy committees in the house of representatives or the
8 senate, under conditions as the commission may determine are
9 necessary to ensure that public disclosure of the specific
10 information would not result in unfair competitive disadvantage to
11 the person supplying the information or adversely affect market
12 competition.

13 (i) Notwithstanding any other law, the commission may share
14 confidential information received pursuant to this chapter to the
15 department of ecology, upon request for oil spill planning and
16 preparedness purposes, and to first responders in the event of an
17 accident or spill.

18 (ii) This section does not apply to aggregate data that are
19 required to be posted on the commission's internet website pursuant
20 to requirements of this act.

21 NEW SECTION. **Sec. 12.** (1) The commission is authorized to
22 promulgate rules under the administrative procedure act, chapter
23 34.05 RCW, to implement this chapter. Although the commission may
24 adopt regulations to further define terms or prescribe reporting
25 procedures or calculation methodologies pursuant to this chapter, or
26 prescribe any other method of implementing this chapter, the
27 provisions of this chapter are self-executing and may not require any
28 implementing regulation to be effective with the exception of section
29 7(3) of this act.

30 (2) The commission may enter into contracts to implement this
31 chapter.

32 NEW SECTION. **Sec. 13.** (1)(a) On or before July 1, 2026, and
33 every three years thereafter, the commission shall submit an
34 assessment to the legislature, and to the governor that does all of
35 the following:

36 (i) Identifies methods to ensure a reliable supply of affordable
37 and safe transportation fuels in Washington. The assessment shall
38 consider the potential benefits to Washington transportation fuel

1 consumers of creating estimates for the level of transportation fuels
2 at the state level and, to the extent feasible, at regional and local
3 levels, and individual refineries if relevant, that should be held in
4 reserve by refiners to prevent shortages that result in sharp
5 increases in the price of transportation fuels. The assessment must
6 consider all factors causing price fluctuation in retail
7 transportation fuels prices when recommending adequate reserve
8 levels. The commission shall consider all relevant evidence from any
9 reasonably available source including, but not limited to,
10 information about imports, by amount, source, if known, and data
11 received by the commission pursuant to existing laws, economic and
12 business experts, and information from any local, state, and federal
13 agencies. The commission shall transmit to the legislature any
14 proposals it deems appropriate for mandatory reserve levels and the
15 terms of a program to implement reserve levels;

16 (ii) Evaluates the price of transportation fuels, including
17 branded and unbranded retail prices, alternate formulations of
18 transportation fuels with lower carbon impact, and other products
19 suitable for production from refineries in Washington. This
20 evaluation must consider the market demand for these products at
21 three, seven, 10, and 20-year intervals from the date of the
22 assessment. This evaluation must include both of the following:

23 (A) An examination of whether branded fuel additives have any
24 impact and, if so, how much on fuel efficiency and vehicle emissions;
25 and

26 (B) An assessment of the presence and availability of retail
27 outlets, including monitoring changes in availability of retail
28 outlets that contribute to increasing retail prices in local and
29 regional areas;

30 (iii) Considers different levels of supply conditions and
31 assesses the impact of potential refinery closures in Washington;

32 (iv) Includes an analysis of the impacts on production of
33 refinery planned maintenance, unplanned maintenance, and turnaround,
34 utilizing the quarterly reports provided by refineries as directed in
35 section 6(12) of this act. The commission and division, in
36 consultation with the department of labor and industries and labor
37 and industry stakeholders, shall consider ways to manage necessary
38 refinery turnarounds and maintenance that would protect the health
39 and safety of employees and the public, and minimize the impact of
40 maintenance-related production losses on fuel prices. Notwithstanding

1 any other law, the department of labor and industries shall disclose
2 to the commission, upon request, any information the department has
3 received to ensure all aspects of refinery safety are incorporated
4 into the analysis. All information designated confidential must be
5 treated as confidential by the commission;

6 (v) Evaluates the utility and feasibility of alternative methods
7 to maintain adequate supplies of transportation fuels, including
8 delivery alternatives for fuel and components of fuel, such as
9 delivery by rail, a publicly maintained strategic fuel reserve, and
10 other solutions beyond the activities of refineries and petroleum
11 market participants; and

12 (vi) Proposes solutions to mitigate any impacts described in the
13 assessment. The solutions must include an assessment of the
14 employment impacts and the cost and cost-effectiveness of any
15 proposal, including cost impacts to all impacted sectors, both public
16 and private. The assessment must include recommendations and
17 alternatives.

18 (b) The first assessment must include the evaluation of
19 transportation fuels refining.

20 (2) The assessment must be developed in a public process. The
21 assessment must be available to the public within the proceeding
22 docket and must be approved by a vote of the commission at its
23 business meeting.

24 (3) The commission may enter into contracts to perform the
25 assessment required by subsection (1) of this section.

26 (4) The division shall provide input to and otherwise support the
27 commission in preparation of the assessment required by subsection
28 (1) of this section.

29 NEW SECTION. **Sec. 14.** (1) In connection with any investigation
30 or action authorized under this act, the commission may do any of the
31 following:

32 (a) Inspect and copy books, records, and other items described in
33 (e) of this subsection;

34 (b) Hear complaints;

35 (c) Administer oaths;

36 (d) Certify to all official acts;

37 (e) Issue subpoenas for the attendance of witnesses and the
38 production of papers, books, accounts, documents, any writing as
39 defined by the Washington state court rules of evidence, tangible

1 things, and testimony pertinent or material to any inquiry,
2 investigation, hearing, proceeding, or action conducted in any part
3 of the state;

4 (f) Promulgate interrogatories pertinent or material to any
5 inquiry, investigation, hearing, proceeding, or action;

6 (g) Divulge information or evidence related to the investigation
7 of unlawful activity discovered from interrogatory answers, papers,
8 books, accounts, documents, and any other item described in (e) of
9 this subsection, or testimony, to the attorney general or to any
10 prosecuting attorney of this state, any other state, or the United
11 States who has a responsibility for investigating the unlawful
12 activity investigated or discovered, or to any governmental agency
13 responsible for enforcing laws related to the unlawful activity
14 investigated or discovered, if the attorney general, prosecuting
15 attorney, or agency to which the information or evidence is divulged
16 agrees to maintain the confidentiality of the information received to
17 the extent required by this section;

18 (h) Present information or evidence obtained or developed from
19 the investigation of unlawful activity to a court or at an
20 administrative hearing in connection with any action or proceeding.

21 (2) The commission shall use reasonable means necessary and
22 available including, but not limited to, the authority under
23 subsection (1)(e) and (f) of this section, to seek and obtain any
24 facts, figures, and other information from any source for the purpose
25 of preparing the assessment under section 13 of this act. The
26 commission shall specifically report in the assessment any ongoing or
27 unsuccessful attempts to obtain information from potential sources,
28 including the lack of cooperation or refusal to provide information.

29 (3) For purposes of the assessment prepared under section 13 of
30 this act, the commission may impose a civil penalty whenever a person
31 fails to timely provide the information specified in that section and
32 any other information the commission deems necessary to conduct the
33 assessment. A civil penalty under this subsection will be imposed
34 under the procedures set forth in section 10(1) of this act.

35 (4) Section 10 (1) through (3) of this act apply to a person who
36 willfully submits or makes any false statement to the commission.

37 (5) The commission shall conduct a public meeting in December of
38 each year to provide an opportunity for the public to provide input
39 on transportation fuels prices.

1 NEW SECTION. **Sec. 15.** The commission shall aggregate
2 information used in the assessment prepared under section 13 of this
3 act to the extent necessary to ensure confidentiality of the specific
4 information upon which it is based as provided under section 11 of
5 this act.

6 NEW SECTION. **Sec. 16.** On or before December 31, 2025, the
7 commission and the department of ecology, taking into account
8 findings of the assessment conducted under section 13 of this act,
9 shall prepare a transportation fuels transition plan. The commission
10 and the department of ecology shall determine the contents of the
11 plan, but the plan must include, at a minimum, a discussion of how to
12 ensure that the supply of transportation fuels is affordable,
13 reliable, equitable, and adequate to meet demand. The plan must be
14 prepared in consultation with a multistakeholder, multiagency work
15 group convened by the commission and the department of ecology to
16 identify mechanisms to plan for and monitor progress toward the
17 state's reliable, safe, equitable, and affordable transition away
18 from petroleum fuels in line with declining instate petroleum demand
19 and RCW 70A.45.020 and chapter 70A.65 RCW. The work group must
20 consist of members representing interests that include, but are not
21 limited to, environmental justice, labor, environmental protection,
22 land use, and public health, members representing the state's fuel
23 producers and refiners, and members representing relevant state,
24 regional, and local agencies. The division of petroleum market
25 oversight shall provide input to and otherwise support the commission
26 in preparation of the plan.

27 NEW SECTION. **Sec. 17.** (1) Information provided to the division
28 is confidential and is not subject to public disclosure as provided
29 under section 11 of this act. The division may not divulge or make
30 known in any manner any information provided to it unless it
31 determines that public disclosure of the specific information would
32 not:

33 (a) Result in unfair competitive disadvantage to the person
34 supplying the information; or

35 (b) Adversely affect market competition.

36 (2) If the division makes the determination in subsection (1)(a)
37 or (b) of this section regarding any information, the division will
38 provide 30 days for the party or parties who submitted the

1 information to review the determination and provide written
2 explanation to the division if they disagree with its determination.

3 (3) Notwithstanding any other provision of law, the division may
4 disclose information deemed confidential under this subsection or
5 section 11 of this act to members of the commission, other divisions
6 of the commission, the attorney general, or the department of
7 licensing if the receiving entity agrees to keep the information
8 confidential, except that the attorney general may present the
9 information to a court or administrative tribunal to support an
10 enforcement action but shall submit confidential information under
11 seal where permissible. If the attorney general requests the
12 assistance of the division in connection with any investigation, the
13 division shall provide information to the attorney general under this
14 subsection and any other assistance that is feasible.

15 (4) For purposes of the division's annual reports under section 5
16 of this act, the division shall aggregate data or otherwise anonymize
17 and generalize information as needed to mitigate the risk that public
18 disclosure of the specific information would result in unfair
19 competitive disadvantage to the person supplying the information or
20 would adversely affect market competition, as provided in section 11
21 of this act.

22 NEW SECTION. **Sec. 18.** (1) The commission may issue a civil
23 penalty to any person or entity on whom an administrative civil
24 penalty may be imposed under this chapter. The notice of appeal must
25 allege the act or failure to act for which the civil penalty is
26 proposed, the provision of law authorizing civil liability, and the
27 civil penalty amount.

28 (2) The notice must be served by personal notice or certified
29 mail, and must inform the party so served that a hearing will be
30 conducted within 60 days after the party has been served. The hearing
31 must be before the commission. An appellant may waive the right to a
32 hearing, in which case the commission may not conduct a hearing.

33 (3) After any hearing, the commission may adopt, with or without
34 revision, the proposed decision and order of the director.

35 (4) Orders setting an administrative civil penalty are effective
36 and final upon issuance thereof, and any payment must be made within
37 30 days. Copies of these orders must be served by personal service or
38 by registered mail upon the party served with the complaint and upon
39 other persons who appeared at the hearing and requested a copy.

1 (5) In determining the amount of the administrative civil
2 penalty, the commission shall take into consideration the nature,
3 circumstance, extent, and gravity of the violation or violations,
4 whether the violation is susceptible to removal or resolution, the
5 cost to the state in pursuing the enforcement action, and, with
6 respect to the violator, the ability to pay, the effect on ability to
7 continue in business, any voluntary removal or resolution efforts
8 undertaken, any prior history of violations, the degree of
9 culpability, economic savings, if any, resulting from the violation,
10 and such other matters as justice may require.

11 NEW SECTION. **Sec. 19.** (1)(a) It is unlawful for a person to
12 make deceptive environmental marketing claims, whether explicit or
13 implied, regarding transportation fuels. For the purpose of this
14 section, "environmental marketing claim" includes, but is not limited
15 to, any claim contained in the guides for the use of environmental
16 marketing claims published by the federal trade commission.

17 (b) It is a defense to any suit or complaint brought under this
18 section that the person's environmental marketing claims conform to
19 the standards or are consistent with the examples contained in the
20 guides for the use of environmental marketing claims published by the
21 federal trade commission.

22 (2) The legislature finds that the practices covered by this
23 chapter are matters vitally affecting the public interest for the
24 purpose of applying the consumer protection act, chapter 19.86 RCW. A
25 violation of this chapter is not reasonable in relation to the
26 development and preservation of business and is an unfair or
27 deceptive act in trade or commerce and an unfair method of
28 competition for purposes of applying the consumer protection act,
29 chapter 19.86 RCW.

30 **Sec. 20.** RCW 19.86.140 and 2021 c 228 s 2 are each amended to
31 read as follows:

32 Every person who shall violate the terms of any injunction issued
33 as in this chapter provided, shall forfeit and pay a civil penalty of
34 not more than \$125,000.

35 Every individual who violates RCW 19.86.030 or 19.86.040 shall
36 pay a civil penalty of not more than \$180,000. Every person, other
37 than an individual, who violates RCW 19.86.030 or 19.86.040 shall pay
38 a civil penalty of not more than \$900,000.

1 Every person who violates RCW 19.86.020 shall forfeit and pay a
2 civil penalty of not more than \$7,500 for each violation: PROVIDED,
3 That nothing in this paragraph shall apply to any radio or television
4 broadcasting station which broadcasts, or to any publisher, printer
5 or distributor of any newspaper, magazine, billboard or other
6 advertising medium who publishes, prints or distributes, advertising
7 in good faith without knowledge of its false, deceptive or misleading
8 character.

9 For unlawful acts or practices that target or impact specific
10 individuals or communities based on demographic characteristics
11 including, but not limited to, age, race, national origin,
12 citizenship or immigration status, sex, sexual orientation, presence
13 of any sensory, mental, or physical disability, religion, veteran
14 status, or status as a member of the armed forces, as that term is
15 defined in 10 U.S.C. Sec. 101, an enhanced penalty of \$5,000 shall
16 apply. Furthermore, for unlawful acts or practices relating to the
17 sale of transportation fuels, an enhanced penalty of up to three
18 times the profit gained or loss avoided as a result of such unlawful
19 acts or practices shall apply.

20 For the purpose of this section the superior court issuing any
21 injunction shall retain jurisdiction, and the cause shall be
22 continued, and in such cases the attorney general acting in the name
23 of the state may petition for the recovery of civil penalties.

24 With respect to violations of RCW 19.86.030 and 19.86.040, the
25 attorney general, acting in the name of the state, may seek recovery
26 of such penalties in a civil action.

27 By December 1, ((2022)) 2026, and every five years thereafter,
28 the office of the attorney general shall evaluate the efficacy of the
29 maximum civil penalty amounts established in this section in
30 deterring violations of the consumer protection act and the
31 difference, if any, between the current penalty amounts and the
32 penalty amounts adjusted for inflation, and provide the legislature
33 with a report of its findings and any recommendations in compliance
34 with RCW 43.01.036.

35 **Sec. 21.** RCW 42.56.330 and 2017 c 333 s 6 are each amended to
36 read as follows:

37 The following information relating to public utilities and
38 transportation is exempt from disclosure under this chapter:

1 (1) Records filed with the utilities and transportation
2 commission or attorney general under RCW 80.04.095, chapter 19.---
3 RCW (the new chapter created in section 22 of this act), or RCW
4 81.77.210 that a court has determined are confidential under RCW
5 80.04.095 or 81.77.210;

6 (2) The addresses, telephone numbers, electronic contact
7 information, and customer-specific utility usage and billing
8 information in increments less than a billing cycle of the customers
9 of a public utility contained in the records or lists held by the
10 public utility of which they are customers, except that this
11 information may be released to the division of child support or the
12 agency or firm providing child support enforcement for another state
13 under Title IV-D of the federal social security act, for the
14 establishment, enforcement, or modification of a support order;

15 (3) The names, residential addresses, residential telephone
16 numbers, and other individually identifiable records held by an
17 agency in relation to a vanpool, carpool, or other ride-sharing
18 program or service. Participants' names, general locations, and point
19 of contact may be disclosed to other persons who apply for ride-
20 matching services and who need that information in order to identify
21 potential riders or drivers with whom to share rides;

22 (4) The personally identifying information of current or former
23 participants or applicants in a paratransit or other transit service
24 operated for the benefit of persons with disabilities or elderly
25 persons;

26 (5) The personally identifying information of persons who acquire
27 and use transit passes or other fare payment media including, but not
28 limited to, stored value smart cards and magnetic strip cards, except
29 that an agency may disclose personally identifying information to a
30 person, employer, educational institution, or other entity that is
31 responsible, in whole or in part, for payment of the cost of
32 acquiring or using a transit pass or other fare payment media for the
33 purpose of preventing fraud. As used in this subsection, "personally
34 identifying information" includes acquisition or use information
35 pertaining to a specific, individual transit pass or fare payment
36 media.

37 (a) Information regarding the acquisition or use of transit
38 passes or fare payment media may be disclosed in aggregate form if
39 the data does not contain any personally identifying information.

1 (b) Personally identifying information may be released to law
2 enforcement agencies if the request is accompanied by a court order;

3 (6) Any information obtained by governmental agencies that is
4 collected by the use of a motor carrier intelligent transportation
5 system or any comparable information equipment attached to a truck,
6 tractor, or trailer; however, the information may be given to other
7 governmental agencies or the owners of the truck, tractor, or trailer
8 from which the information is obtained. As used in this subsection,
9 "motor carrier" has the same definition as provided in RCW 81.80.010;

10 (7) The personally identifying information of persons who acquire
11 and use transponders or other technology to facilitate payment of
12 tolls. This information may be disclosed in aggregate form as long as
13 the data does not contain any personally identifying information. For
14 these purposes aggregate data may include the census tract of the
15 account holder as long as any individual personally identifying
16 information is not released. Personally identifying information may
17 be released to law enforcement agencies only for toll enforcement
18 purposes. Personally identifying information may be released to law
19 enforcement agencies for other purposes only if the request is
20 accompanied by a court order;

21 (8) The personally identifying information of persons who acquire
22 and use a driver's license or identicard that includes a radio
23 frequency identification chip or similar technology to facilitate
24 border crossing. This information may be disclosed in aggregate form
25 as long as the data does not contain any personally identifying
26 information. Personally identifying information may be released to
27 law enforcement agencies only for United States customs and border
28 protection enforcement purposes. Personally identifying information
29 may be released to law enforcement agencies for other purposes only
30 if the request is accompanied by a court order; and

31 (9) Personally identifying information included in safety
32 complaints submitted under chapter 81.61 RCW.

33 NEW SECTION. **Sec. 22.** Sections 1 through 19 of this act
34 constitute a new chapter in Title 19 RCW.

35 NEW SECTION. **Sec. 23.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the
37 remainder of the act or the application of the provision to other
38 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 24.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

5 NEW SECTION. **Sec. 25.** This act may be known and cited as the
6 oil industry accountability act.

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