
HOUSE BILL 1841

State of Washington 60th Legislature 2007 Regular Session

By Representatives Anderson, O'Brien, Pearson, Rodne, Hurst and Campbell

Read first time 01/30/2007. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to requiring certain providers of food, water, or
2 fuel to operate on backup power in the event of a disaster; adding a
3 new section to chapter 4.24 RCW; adding a new section to chapter 82.04
4 RCW; adding a new section to chapter 82.16 RCW; and adding a new
5 chapter to Title 19 RCW.

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 or man-made condition that results
10 in a declaration of emergency by a county, the governor, or the
11 president of the United States.

12 (2) "Grocery store" means any business with twenty or more
13 employees whose primary business consists of retail sales of grocery
14 items to the general public.

15 (3) "Motor fuel retailer" means any business with eight or more
16 fueling stations that engages in retail sales of motor fuel to the
17 general public.

18 (4) "Water distribution business" has the same meaning as in RCW
19 82.16.010.

1 NEW SECTION. **Sec. 2.** (1) By July 1, 2009, every grocery store
2 located within the state shall be capable of operating all
3 refrigeration, life safety systems, and payment assistance equipment,
4 using a backup power source for a period of at least seventy-two hours.
5 Installation of the backup power source shall be performed by a
6 licensed electrical contractor.

7 (2) The grocery store shall:

8 (a) Test the backup power source at least every six months for
9 safety and operational capacity;

10 (b) Perform necessary maintenance on the power source; and

11 (c) Maintain written records of the installation, testing, and
12 maintenance of the power source.

13 (3) In the event of a disaster that causes disruption to the
14 grocery store's power supply, the grocery store shall continue its
15 retail operations using the backup power supply for at least seventy-
16 two hours, unless conditions caused by the disaster make such
17 operations impracticable or unsafe.

18 NEW SECTION. **Sec. 3.** (1) By July 1, 2009, every motor fuel
19 retailer located within the state shall be capable of operating all
20 fuel dispensing equipment, life safety systems, and payment acceptance
21 equipment using a backup power source for a period of at least seventy-
22 two hours. Installation of the backup power source shall be performed
23 by a licensed electrical contractor.

24 (2) The motor fuel retailer shall:

25 (a) Test the backup power source at least every six months for
26 safety and operational capacity;

27 (b) Perform necessary maintenance on the power source; and

28 (c) Maintain written records of the installation, testing, and
29 maintenance of the power source.

30 (3) In the event of a disaster that causes disruption to the motor
31 fuel retailer's power supply, the motor fuel retailer shall continue to
32 dispense fuel to its retail customers using the backup power supply for
33 at least seventy-two hours, unless conditions caused by the disaster
34 make such operations impracticable or unsafe.

35 NEW SECTION. **Sec. 4.** (1) By July 1, 2009, every water
36 distribution business doing business within the state shall be capable

1 of operating all water distribution systems using a backup power source
2 for a period of at least seventy-two hours. Installation of the backup
3 power source shall be performed by a licensed electrical contractor.

4 (2) The water distribution business shall:

5 (a) Test the backup power source at least every six months for
6 safety and operational capacity;

7 (b) Perform necessary maintenance on the power source; and

8 (c) Maintain written records of the installation, testing, and
9 maintenance of the power source.

10 (3) In the event of a disaster that causes disruption to the water
11 distribution business' power supply, the water distribution business
12 shall continue to supply water to its customers using the backup power
13 supply for at least seventy-two hours, unless conditions caused by the
14 disaster make such operations impracticable or unsafe.

15 NEW SECTION. **Sec. 5.** The attorney general or county prosecuting
16 attorney may file an action in superior court to require a grocery
17 store, motor fuel retailer, or water distribution business to comply
18 with any of the requirements of this chapter.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 4.24 RCW
20 to read as follows:

21 (1) A grocery store, motor fuel retailer, or water distribution
22 business that complies with sections 2 through 4 of this act is not
23 liable for civil damages arising from the failure of the store,
24 retailer, or business to operate during a disaster because:

25 (a) The backup power source during a disaster has failed; or

26 (b) Conditions caused by the disaster make operations impracticable
27 or unsafe.

28 (2) For purposes of this section, "disaster," "grocery store,"
29 "motor fuel retailer," and "water distribution business" have the same
30 meanings as defined in section 1 of this act.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.04 RCW
32 to read as follows:

33 (1) In computing the tax imposed under this chapter, a credit is
34 allowed for all costs associated with complying with sections 2 through
35 4 of this act.

1 (2) A person taking the credit under this section is subject to all
2 the requirements of chapter 82.32 RCW. A credit earned during one
3 calendar year may be carried over to be credited against taxes incurred
4 in subsequent calendar years. No refunds may be granted for credits
5 under this section.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 82.16 RCW
7 to read as follows:

8 (1) In computing the tax imposed under this chapter, a credit is
9 allowed for all costs associated with complying with section 4 of this
10 act.

11 (2) A person taking the credit under this section is subject to all
12 the requirements of chapter 82.32 RCW. A credit earned during one
13 calendar year may be carried over to be credited against taxes incurred
14 in subsequent calendar years. No refunds may be granted for credits
15 under this section.

16 NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act constitute
17 a new chapter in Title 19 RCW.

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