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SECOND SUBSTITUTE HOUSE BILL 2053

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State of Washington                      60th Legislature                      2007 Regular Session

By House Committee on Finance (originally sponsored by Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst)

READ FIRST TIME 03/05/07.

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 or  
2 operates ten or more motor fuel retail outlets within a single county  
3 shall install appropriate wiring and transfer switches capable of  
4 operating all fuel pumps and payment acceptance equipment using an  
5 alternate generated power source in the event of an electric power  
6 outage or interruption in electric service.

7        (2)(a) For corporations or entities with thirty or more motor fuel  
8 retail outlets within a single county, one of every thirty outlets  
9 shall be equipped as provided in subsection (1) of this section by  
10 December 1, 2008.

11        (b) For corporations or entities with twenty or more motor fuel  
12 retail outlets within a single county, one of every twenty outlets  
13 shall be equipped as provided in subsection (1) of this section by  
14 December 1, 2009.

15        (c) For corporations or entities with ten or more motor fuel retail  
16 outlets within a single county, one of every ten outlets shall be  
17 equipped as provided in subsection (1) of this section by December 1,  
18 2010.

19        (3) Installation of appropriate wiring and transfer switches must  
20 be performed by a certified electrical contractor.

21        (4)(a) Each motor fuel retail outlet prewired under subsection (1)  
22 of this section shall retain, on-site or at its corporate headquarters,  
23 a written statement attesting to the periodic testing of the equipment  
24 to ensure the operational capacity.

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

27        (5) Each corporation or entity that owns or operates ten or more  
28 motor fuel retail outlets within a single county must maintain at least  
29 one portable generator that is capable of providing an alternate  
30 generated power source as required under subsection (2) of this  
31 section.

32        NEW SECTION.    **Sec. 3.**    The director of the department of  
33 agriculture shall enforce the provisions of this act in conjunction  
34 with his or her enforcement duties under chapter 19.94 RCW.    The  
35 director shall, upon his or her own initiative and as he or she deems  
36 appropriate and advisable, investigate complaints made concerning  
37 violations of the provisions of this chapter.

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

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

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

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

20        NEW SECTION.    **Sec. 5.**    Sections 1 through 4 of this act may be  
21 known and cited as the consumer emergency motor fuel act.

22        NEW SECTION.    **Sec. 6.**    Sections 1 through 3 of this act constitute  
23 a new chapter in Title 19 RCW.

24        NEW SECTION.    **Sec. 7.**    This act takes effect October 1, 2007.

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