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HOUSE BILL 2053

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State of Washington

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2007 Regular Session

By Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst

Read first time 02/06/2007. Referred to Committee on Public Safety & Emergency Preparedness.

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; and prescribing  
5 penalties.

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

7 NEW SECTION. **Sec. 1.** The definition in this section applies  
8 throughout this chapter unless the context clearly requires otherwise.  
9 "Motor fuel retail outlet" means a facility where motor fuel is  
10 offered for sale, at retail, to the general public. "Motor fuel retail  
11 outlet" includes any self-service, full-service, or combination self-  
12 service and full-service facility, regardless of whether the facility  
13 is located on the grounds of, or is owned by, another retail business  
14 establishment that does not engage in the business of selling motor  
15 fuel.

16 NEW SECTION. **Sec. 2.** (1) Each motor fuel retail outlet shall  
17 purchase and install equipment that provides an alternative means of

1 generating electric power for purposes of operating all fuel pumps and  
2 payment acceptance equipment in the event of an electric power outage  
3 or interruption in electric service.

4 (2) The equipment must be maintained and kept fully operational at  
5 all times. The motor fuel retail outlet must be capable of pumping  
6 motor fuel and operating payment acceptance equipment immediately upon  
7 the occurrence of an electric power outage or interruption in electric  
8 service.

9 (3) Installation of the backup power equipment must be performed by  
10 a certified electrical contractor.

11 (4)(a) Each motor fuel retail outlet shall retain, on-site or at  
12 its corporate headquarters, a written statement attesting to the  
13 periodic testing of the equipment to ensure the operational capacity.

14 (b) This written statement must be made available, upon request, to  
15 the county emergency management agency.

16 (5) Motor fuel retail outlets must comply with the requirements of  
17 this section:

18 (a) As of the effective date of this act, if the motor fuel retail  
19 outlet is newly constructed and has a valid certificate of occupancy  
20 and operation that was issued on or after the effective date of this  
21 act; or

22 (b) As of December 1, 2008, if the motor fuel retail outlet (i) has  
23 a valid certificate of occupancy and operation issued before the  
24 effective date of this act; and (ii) had a minimum monthly average  
25 motor fuel sales volume of one hundred twenty-five thousand gallons for  
26 any six-month period during the two years preceding the effective date  
27 of this act.

28 NEW SECTION. **Sec. 3.** (1) The owner of a motor fuel retail outlet  
29 who fails to comply with the requirements of section 2 of this act is  
30 subject to a civil penalty of one hundred dollars per day for each day  
31 such delinquency continues.

32 (2) The provisions of this chapter shall be enforced by the  
33 Washington state patrol.

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

36 (1) In computing the tax imposed under this chapter a credit is

1 allowed for purchase and installation of an alternative power  
2 generation device by a motor fuel retail outlet as defined in section  
3 1 of this act. The amount of the credit is equal to the lesser of  
4 fifty percent of the cost of the purchase and installation of an  
5 alternative power generation device or fifteen thousand dollars.

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

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

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

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

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