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**HOUSE BILL 2232**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Doglio, Mena, Berry, Bateman, Ramel, Ormsby, Reed, Fosse, Macri, Pollet, Peterson, and Duerr; by request of Office of the Governor

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

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.

--- END ---