

By: Edwards

H.B. No. 443

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain service stations to be capable of operating with alternate generated power.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. ALTERNATE POWER REQUIREMENTS FOR CERTAIN SERVICE STATIONS

Sec. 106.001. DEFINITIONS. In this chapter:

(1) "Alternate power generator" means a generator that is capable of providing electric power when electric utility service is interrupted.

(2) "Service station" has the meaning assigned by Section 105.001.

Sec. 106.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a self-service, full-service, or combination of self-service and full-service service station that:

(1) has six or more fueling positions; and

(2) is located in a county with a population of at least three million.

(b) This chapter applies to a service station described by Subsection (a) regardless of whether the service station is located on the grounds of, or is owned by, another business entity that does not engage in the business of selling motor vehicle fuel to the

1 public.

2 (c) This chapter does not apply to:

3 (1) a person who operates a fleet of motor vehicles; or

4 (2) a person who sells motor vehicle fuel exclusively  
5 to a fleet of motor vehicles.

6 Sec. 106.003. ALTERNATE GENERATED POWER CAPACITY FOR  
7 SERVICE STATIONS. A service station shall be equipped with an  
8 alternate power generator and be capable of operating all fuel  
9 pumps, dispensing equipment, life-safety systems, and  
10 payment-acceptance equipment using an alternate power generator  
11 for a minimum of 72 hours.

12 Sec. 106.004. REQUIRED DOCUMENTS. (a) A service station  
13 must keep a copy of the documentation of the installation of  
14 appropriate wiring for the operation of an alternate power  
15 generator, including a transfer switch, on site or at its corporate  
16 headquarters.

17 (b) A service station must keep a written statement  
18 attesting to the periodic testing and ensured operational capacity  
19 of the equipment.

20 (c) The documents required by this section must be made  
21 available, on request, to the governor's division of emergency  
22 management or the Department of Agriculture.

23 SECTION 2. A newly constructed service station that begins  
24 operating on or after the effective date of this Act shall comply  
25 with Chapter 106, Business & Commerce Code, as added by this Act,  
26 beginning on the first day of operation. A service station that  
27 begins operating before the effective date of this Act shall comply

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1 with Chapter 106, Business & Commerce Code, as added by this Act,  
2 not later than January 1, 2011.

3 SECTION 3. This Act takes effect January 1, 2009.