

By: Corte

H.B. No. 1015

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain service stations to be capable of operating with alternative electrical power and to have an alternative electrical generator; providing a criminal penalty.

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. ALTERNATIVE ELECTRICAL POWER REQUIREMENTS FOR CERTAIN SERVICE STATIONS

Sec. 106.001. DEFINITIONS. In this chapter:

(1) "Alternative electrical generator" means an electrical generator that provides electric power when electric power from a utility service is interrupted.

(2) "Department" means the Texas Department of Agriculture.

(3) "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) is located within 100 miles of the Gulf of Mexico or of a bay or inlet of the gulf; and

(2) has seven or more fueling positions.

(b) This chapter applies to a service station described by

1 Subsection (a) regardless of whether the service station is located  
2 on the grounds of, or is owned by, another business entity that does  
3 not engage in the business of selling motor vehicle fuel to the  
4 public.

5 (c) This chapter does not apply to:

6 (1) an automobile dealer;

7 (2) a person who operates a fleet of motor vehicles; or

8 (3) a person who sells motor vehicle fuel exclusively  
9 to a fleet of motor vehicles.

10 Sec. 106.003. ALTERNATIVE ELECTRICAL POWER CAPACITY FOR  
11 SERVICE STATIONS. (a) A service station shall be prewired with an  
12 appropriate transfer switch and be capable of operating all fuel  
13 pumps, dispensing equipment, and life-safety systems using an  
14 alternative electrical generator.

15 (b) Installation of appropriate wiring and transfer  
16 switches must be performed by an electrical contractor.

17 (c) If a local government requires a certificate of  
18 occupancy for completion of construction of a service station, the  
19 local government may not issue a certificate of occupancy to the  
20 service station unless the local government determines that the  
21 service station has the equipment and operational capabilities  
22 required by Subsection (a).

23 Sec. 106.004. ALTERNATIVE ELECTRICAL GENERATOR REQUIRED. A  
24 service station shall be equipped with at least one alternative  
25 electrical generator for use at the station and be capable of  
26 operating all fuel pumps, dispensing equipment, and life-safety  
27 systems using an alternative electrical generator for a minimum of

1 72 hours.

2 Sec. 106.005. REQUIRED DOCUMENTS FOR SERVICE STATIONS. (a)  
3 A service station must keep a copy of the documentation of the  
4 installation of appropriate wiring for the operation of an  
5 alternative electrical generator, including a transfer switch,  
6 on-site or at its corporate headquarters.

7 (b) A service station must keep a written statement  
8 attesting to the periodic testing and ensured operational capacity  
9 of the equipment.

10 (c) The documents required by this section must be made  
11 available, on request, to the department.

12 Sec. 106.006. ADMINISTRATION; RULES. The department shall:

13 (1) administer and enforce the provisions of this  
14 chapter; and

15 (2) adopt rules as necessary for the administration  
16 and enforcement of this chapter.

17 Sec. 106.007. PENALTY. A person who violates this chapter  
18 commits an offense. An offense under this section is a Class C  
19 misdemeanor.

20 SECTION 2. A newly constructed service station that begins  
21 operating on or after the effective date of this Act shall comply  
22 with Chapter 106, Business & Commerce Code, as added by this Act,  
23 beginning on the first day of operation. A service station  
24 operating before the effective date of this Act shall comply with  
25 Chapter 106, Business & Commerce Code, as added by this Act,  
26 beginning on the later of June 1, 2010, or the first day of  
27 operation after replacing a fuel pump.

1           SECTION 3.   This Act takes effect June 1, 2010.