

By: Turner of Harris

H.B. No. 2247

A BILL TO BE ENTITLED

AN ACT

relating to an emergency power supply for service stations,
supermarkets, and pharmacies located in certain areas of the state;
providing a civil 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 Chapters 106 and 107 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) "Area prone to severe weather" means a coastal
county or any other county in which a state of disaster has been
declared by an executive order or proclamation under Chapter 418,
Government Code, issued on or after January 1, 2003, and before June
1, 2010.

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

Sec. 106.002. ALTERNATIVE ELECTRICAL GENERATOR REQUIRED.

(a) This section applies only to a service station that has six or
more fueling positions and is located in an area prone to severe
weather.

1 (b) The operator of a service station shall equip the
2 service station with one or more alternative electrical generators
3 as necessary to provide sufficient electrical power to operate all
4 fuel pumps and dispensing equipment at the service station for at
5 least 10 consecutive days of normal business hours.

6 Sec. 106.003. CIVIL PENALTY. (a) A person who violates
7 this chapter is liable to this state for a civil penalty in an
8 amount not to exceed \$500 for each violation.

9 (b) The attorney general or the prosecuting attorney in the
10 county in which the violation occurs may bring an action to recover
11 the civil penalty imposed under this section.

12 CHAPTER 107. ALTERNATIVE ELECTRICAL POWER REQUIREMENTS FOR CERTAIN
13 SUPERMARKETS

14 Sec. 107.001. DEFINITIONS. In this chapter:

15 (1) "Alternative electrical generator" has the
16 meaning assigned by Section 106.001.

17 (2) "Area prone to severe weather" means a coastal
18 county or any other county in which a state of disaster has been
19 declared by an executive order or proclamation under Chapter 418,
20 Government Code, issued on or after January 1, 2003, and before June
21 1, 2010.

22 (3) "Supermarket" means a self-service retail market
23 that sells primarily groceries, produce, meat, baked goods, and
24 dairy products. The term does not include a convenience store.

25 Sec. 107.002. ALTERNATIVE ELECTRICAL GENERATOR REQUIRED.

26 (a) This section applies only to a supermarket located in an area
27 prone to severe weather.

1 (b) The operator of a supermarket shall equip the
2 supermarket with one or more alternative electrical generators as
3 necessary to provide sufficient electrical power to operate all
4 life-safety systems, food refrigeration equipment, and any other
5 equipment necessary to do business with the public for at least 10
6 consecutive days of normal business hours.

7 Sec. 107.003. CIVIL PENALTY. (a) A person who violates
8 this chapter is liable to this state for a civil penalty in an
9 amount not to exceed \$500 for each violation.

10 (b) The attorney general or the prosecuting attorney in the
11 county in which the violation occurs may bring an action to recover
12 the civil penalty imposed under this section.

13 SECTION 2. Subchapter C, Chapter 562, Occupations Code, is
14 amended by adding Section 562.113 to read as follows:

15 Sec. 562.113. EMERGENCY GENERATOR REQUIRED. (a) In this
16 section, "area prone to severe weather" means a coastal county or
17 any other county in which a state of disaster has been declared by
18 an executive order or proclamation under Chapter 418, Government
19 Code, issued on or after January 1, 2003, and before June 1, 2010.

20 (b) This section applies only to a pharmacy located in an
21 area prone to severe weather.

22 (c) A pharmacy must be equipped with one or more emergency
23 generators as necessary to provide sufficient electrical power to
24 operate all equipment necessary to dispense prescription drugs for
25 at least 10 consecutive days of normal business hours.

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