

By: Coleman

H.B. No. 2960

A BILL TO BE ENTITLED

AN ACT

relating to alternative electrical generators for certain service stations.

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) "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 is located within 100 miles of the Gulf of Mexico or of a bay or inlet of the gulf.

(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 public.

1 (c) This chapter does not apply to:

2 (1) an automobile dealer;

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

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

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

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

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

20 Sec. 106.004. ALTERNATIVE ELECTRICAL GENERATOR REQUIRED. A
21 service station shall be equipped with at least one alternative
22 electrical generator for use at the station.

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

1 (b) A service station must keep a written statement
2 attesting to the periodic testing and ensured operational capacity
3 of the equipment.

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

7 SECTION 2. Chapter 171, Tax Code, is amended by adding
8 Subchapter T to read as follows:

9 SUBCHAPTER T. TAX CREDIT FOR CERTAIN SERVICE STATIONS

10 Sec. 171.870. DEFINITIONS. In this subchapter:

11 (1) "Alternative electrical generator" has the
12 meaning assigned by Section 106.001, Business & Commerce Code.

13 (2) "Service station" has the meaning assigned by
14 Section 105.001, Business & Commerce Code.

15 Sec. 171.871. ENTITLEMENT TO CREDIT. A taxable entity is
16 entitled to a credit in the amount and under the conditions and
17 limitations provided by this subchapter against the tax imposed
18 under this chapter.

19 Sec. 171.872. QUALIFICATION. A taxable entity that is a
20 service station qualifies for a credit under this subchapter if the
21 taxable entity:

22 (1) installs appropriate wiring and transfer switches
23 to operate an alternative electrical generator; and

24 (2) acquires and installs an alternative electrical
25 generator for the generation of power.

26 Sec. 171.873. AMOUNT; LIMITATIONS. (a) The amount of the
27 credit under this subchapter is equal to the cost to acquire and

1 install the wiring, transfer switches, and alternative electrical
2 generator.

3 (b) The total credit claimed for a report may not exceed the
4 amount of franchise tax due for the report before any other
5 applicable tax credits.

6 (c) A taxable entity may not convey, assign, or transfer a
7 credit under this subchapter to another entity unless all of the
8 assets of the taxable entity are conveyed, assigned, or transferred
9 in the same transaction.

10 Sec. 171.874. LENGTH OF CREDIT. A taxable entity must claim
11 the credit under this subchapter in the report based on the period
12 during which the taxable entity incurred the cost of acquiring and
13 installing the wiring, transfer switches, and alternative
14 electrical generator.

15 Sec. 171.875. APPLICATION FOR CREDIT. A taxable entity
16 must apply for a credit under this subchapter on or with the report
17 for the period for which the credit is claimed.

18 Sec. 171.876. RULES. The comptroller shall adopt rules
19 necessary to implement this subchapter.

20 SECTION 3. This Act applies only to a report originally due
21 on or after the effective date of this Act.

22 SECTION 4. (a) Chapter 106, Business & Commerce Code, as
23 added by this Act, takes effect June 1, 2010.

24 (b) Subchapter T, Chapter 171, Tax Code, as added by this
25 Act, takes effect January 1, 2010.