

By: Ellis

S.B. No. 441

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.

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

1 public.

2 (c) This chapter does not apply to:

3 (1) an automobile dealer;

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

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

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

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

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

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

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

1 on-site or at its corporate headquarters.

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

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

8 SECTION 2. This Act takes effect June 1, 2010.