
SENATE BILL 5334

State of Washington 60th Legislature 2007 Regular Session

By Senators Murray and Jacobsen

Read first time 01/17/2007. Referred to Committee on Transportation.

1 AN ACT Relating to motor fuel vendors; amending RCW 19.112.010; and
2 adding a new section to chapter 19.112 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.112.010 and 2006 c 338 s 15 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Biodiesel fuel" means the monoalkyl esters of long chain fatty
9 acids derived from plant or animal matter that meet the registration
10 requirements for fuels and fuel additives established by the federal
11 environmental protection agency and standards established by the
12 American society of testing and materials.

13 (2) "Diesel" means special fuel as defined in RCW 82.38.020, and
14 diesel fuel dyed in accordance with the regulations in 26 C.F.R. Sec.
15 48.4082-1T as of October 24, 2005.

16 (3) "Director" means the director of agriculture.

17 (4) "Motor fuel" means any liquid product used for the generation
18 of power in an internal combustion engine used for the propulsion of a
19 motor vehicle upon the highways of this state, and any biodiesel fuel.

1 Motor fuels containing ethanol may be marketed if either (a) the base
2 motor fuel meets the applicable standards before the addition of the
3 ethanol or (b) the resultant blend meets the applicable standards after
4 the addition of the ethanol.

5 (5) "Retail outlet" means a facility, including land and
6 improvements, where motor fuel is offered for sale, at retail, to the
7 motoring public.

8 (6) "Terminal facility" means any inland, waterfront, or offshore
9 appurtenance on land used for the purpose of storing, handling, or
10 transferring motor fuel, but does not include bulk storage facilities
11 owned or operated by a wholesaler.

12 (7) "Wholesaler" means any person, other than a refiner or dealer,
13 who purchases motor fuel at a terminal facility and supplies motor fuel
14 to retail outlets.

15 NEW SECTION. Sec. 2. A new section is added to chapter 19.112 RCW
16 to read as follows:

17 (1) By June 1, 2008, each motor fuel terminal facility and
18 wholesaler that sells motor fuel in this state must be capable of
19 operating its distribution loading racks using an alternative generated
20 power source for a minimum of seventy-two hours. Pending a
21 postdisaster examination of the equipment by the operator to determine
22 any extenuating damage that might render it unsafe to use, the facility
23 must have the alternate generated power source available for operation
24 no later than thirty-six hours after an emergency or disaster as
25 defined in RCW 38.52.010. Installation of appropriate wiring,
26 including a transfer switch, must be performed by a certified
27 electrical contractor. Each business that is subject to this
28 subsection must keep a copy of the documentation of the wiring
29 installation on-site or at its corporate headquarters. In addition,
30 each business must keep a written statement attesting to the periodic
31 testing and ensured operational capacity of the equipment. These
32 required documents must be made available, upon request, to the
33 department of licensing, the emergency management division, and the
34 director of the county emergency management agency.

35 (2) Each newly constructed or substantially renovated motor fuel
36 retail outlet, for which a certificate of occupancy is issued on or
37 after January 1, 2008, must be prewired with an appropriate transfer

1 switch, and capable of operating all fuel pumps, dispensing equipment,
2 lifesafety systems, and payment-acceptance equipment using an
3 alternative generated power source. As used in this subsection,
4 "substantially renovated" means a renovation that results in a greater
5 than fifty percent increase in the assessed value of the motor fuel
6 retail outlet. Local building inspectors shall include an equipment
7 and operations check in the normal inspection process before issuing a
8 certificate of occupancy. Each retail outlet that is subject to this
9 subsection must keep a copy of the certificate of occupancy on-site or
10 at its corporate headquarters. In addition, each retail outlet must
11 keep a written statement attesting to the periodic testing of and
12 ensured operational capability of the equipment. These required
13 documents must be made available, upon request, to the department of
14 licensing, the emergency management division, and the director of the
15 county emergency management agency.

16 (3)(a) By June 1, 2008, the following motor fuel retail outlets,
17 which are located within one-half mile proximate to an interstate
18 highway or state or federally designated evacuation route, must be
19 prewired with an appropriate transfer switch and be capable of
20 operating all fuel pumps, dispensing equipment, lifesafety systems, and
21 payment-acceptance equipment using an alternate generated power source:
22 (i) A motor fuel retail outlet, with sixteen or more fueling positions,
23 located in a county having a population of three hundred thousand or
24 more; (ii) a motor fuel retail outlet, with twelve or more fueling
25 positions, located in a county having a population of one hundred
26 thousand or more, but fewer than three hundred thousand; and (iii) a
27 motor fuel retail outlet, with eight or more fueling positions, located
28 in a county having a population of fewer than one hundred thousand.

29 (b) Installation of appropriate wiring and transfer switches must
30 be performed by a certified electrical contractor. Each retail outlet
31 that is subject to this subsection must keep a copy of the
32 documentation of the wiring installation on-site or at its corporate
33 headquarters. In addition, each retail outlet must keep a written
34 statement attesting to the periodic testing of and ensured operational
35 capacity of the equipment. These required documents must be made
36 available, upon request, to the department of licensing, the emergency
37 management division, and the director of the county emergency
38 management agency.

1 (4)(a) Subsections (2) and (3) of this section apply to any self-
2 service, full-service, or combination self-service and full-service
3 motor fuel retail outlet regardless of whether the retail outlet is
4 located on the grounds of, or is owned by, another retail business
5 establishment that does not engage in the business of selling motor
6 fuel.

7 (b) Subsections (2) and (3) of this section do not apply to: (i)
8 An automobile dealer; (ii) a person who operates a fleet of motor
9 vehicles; or (iii) a person who sells motor fuel exclusively to a fleet
10 of motor vehicles.

11 (5) Each corporation or other entity that owns ten or more motor
12 fuel retail outlets located within a single county shall maintain at
13 least one portable generator that is capable of providing an
14 alternative generated power source as required under subsection (2) of
15 this section for every ten outlets. If an entity owns more than ten
16 outlets or a multiple of ten outlets plus an additional six outlets,
17 the entity must provide one additional generator to accommodate the
18 additional outlets. Each portable generator must be stored within this
19 state and be available for use in an affected location within twenty-
20 four hours after an emergency or disaster as defined in RCW 38.52.010.

21 (6) For purposes of this section, the owner of a motor fuel retail
22 outlet is the owner of record of the fuel storage systems operating at
23 the location.

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