

HOUSE No. 2939

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to emergency back up power at gasoline stations.

PETITION OF:

NAME:

William C. Galvin

DISTRICT/ADDRESS:

6th Norfolk

HOUSE No. 2939

By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 2939) of William C. Galvin for legislation to require gasoline stations to be equipped with emergency back up power systems. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to emergency back up power at gasoline stations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. The following words and phrases, as used in this chapter, shall have the
2 following meanings, unless the context otherwise requires:

3 “Alternative power generation device”, a device capable of providing electrical power for
4 the primary purpose of dispensing motor fuel, payment acceptance equipment, pump shutoff
5 switches, and other safety equipment.

6 “Declared state of emergency”, any state of emergency within this State declared by the
7 Governor or by the President of the United States.

8 “Disaster”, any natural, technological, or civil emergency that causes damage of
9 sufficient severity and magnitude to result in a declared state of emergency.

10 “Motor fuel”, any combustible liquid or gaseous substance used, or suitable, for the
11 generation of power to propel motor vehicles.

12 “Power outage”, a failure in the supply of electricity causing a temporary cessation in the
13 supply of power.

14 “Retail dealer”, a person that engages in the business of selling or dispensing motor fuel
15 to consumers within the Commonwealth.

16 “Massachusetts Emergency Management Agency”, the Massachusetts Emergency
17 Management Agency in the Public Safety and Security.

18 Section 2. Every retail dealer in this State shall be equipped with and maintain in a safe
19 and proper working condition an alternative power generation device as defined in section 1.

20 Within 24 hours of a declared state of emergency in which a retail dealer has suffered a
21 power outage, a retail dealer shall begin using an alternative power generation device to resume
22 the selling or dispensing of motor fuel.

23 Section 3. During regular inspections of a retail dealer, the division of standards in the
24 office of consumer affairs and business regulation, in consultation with the Massachusetts
25 Emergency Management Agency, shall ensure that the retail dealer is equipped with and
26 maintaining in a safe and proper working condition, an alternative power generation device as
27 required pursuant to section 2.

28 Section 4. A retail dealer that fails to comply with the provisions of this act shall be
29 subject to a civil penalty not to exceed \$1,000 for the first offense and not more than \$2,500 for
30 any subsequent offense. In determining the amount of the civil penalty, the department shall
31 consider the nature, circumstances, and gravity of the violation, the degree of the respondent's
32 culpability, and the respondent's history of prior offenses. A retail dealer shall not be in violation
33 of subsection b. of section 2 if the failure to use an alternative power generation device during a
34 declared state of emergency is due to physical damage to the retail dealer's facilities or the
35 alternative power generation device sustained during a disaster or during the declared state of
36 emergency.

37 Section 5. The department is hereby authorized and directed to establish rules and
38 regulations pursuant to the administration of the provisions of this act.

39 Section 6. This Act shall take effect January 1, 2015.