

HOUSE No. 2857

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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/14/2019</i>

HOUSE No. 2857

By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 2857) of William C. Galvin for legislation to provide access to fuel for private and emergency vehicles during emergencies. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1742 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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: “Alternative power generation
3 device”, a permanently fixed generator set and automatic transfer switch device capable of
4 providing electrical power for the primary purpose of dispensing motor fuel, payment acceptance
5 equipment, pump shutoff switches, and other safety equipment. “Declared state of emergency”,
6 any state of emergency within this State declared by the Governor or by the President of the
7 United States. “Disaster”, any natural, technological, or civil emergency that causes damage of
8 sufficient severity and magnitude to result in a declared state of emergency. “Motor fuel”, any
9 combustible liquid or gaseous substance used, or suitable, for the generation of power to propel
10 motor vehicles. “Power outage”, a failure in the supply of electricity causing a temporary

cessation in the supply of power. “Retail dealer”, a person that engages in the business of selling or dispensing motor fuel to consumers on a 24 hour per day for every day basis and advertise their services on any highway within the Commonwealth. “Massachusetts Emergency Management Agency”, the Massachusetts Emergency Management Agency in the Public Safety and Security.

Section 2. Every retail dealer in this State shall be equipped with and maintain in a safe and proper working condition an alternative power generation device as defined in section 1. Within 24 hours of a declared state of emergency in which a retail dealer has suffered a power outage, a retail dealer shall begin using an alternative power generation device to resume the selling or dispensing of motor fuel.

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

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

33 alternative power generation device sustained during a disaster or during the declared state of
34 emergency.

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

37 Section 6. This Act shall take effect January 1, 2018.