S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CLARK, ZEBROWSKI, JAFFEE, WEPRIN -- Multi-Sponsored by -- M. of A. CERETTO, GOTTFRIED, SKARTADOS -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to requiring alternative power sources for motor fuel facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 396-bbb to read as follows:

S 396-BBB. ALTERNATIVE POWER SOURCES FOR MOTOR FUEL FACILITIES. 1. FOR THE PURPOSES OF THIS SECTION:

(A) "ALTERNATIVE POWER SOURCE" MEANS A SOURCE OF ELECTRICAL POWER OTHER THAN A SOURCE THAT REQUIRES INTERCONNECTION TO THE FACILITIES OF AN ELECTRIC CORPORATION, AS DEFINED IN SUBDIVISION THIRTEEN OF SECTION TWO OF THE PUBLIC SERVICE LAW, THAT IS: (I) CAPABLE OF PROVIDING ELECTRICAL POWER FOR THE OPERATION OF ALL FUEL PUMPS AND ANY OTHER POWER LOADS NECESSARY FOR THE DISPENSING AND SALE OF MOTOR FUEL CONTINUOUSLY FOR A MINIMUM OF SEVENTY-TWO HOURS; AND (II) GENERATED BY SOLAR OR WIND POWER, OR FUEL THAT HAS A SULFUR CONTENT OF NO MORE THAN FIFTEEN PARTS PER MILLION.

(B) "MOTOR FUEL" MEANS ANY PETROLEUM PRODUCT USED FOR THE PROPULSION OF ANY MOTOR VEHICLE.

(C) "MOTOR FUEL FACILITY" MEANS A FACILITY THAT IS USED FOR THE PURPOSE OF OFFERING MOTOR FUEL FOR SALE AT RETAIL TO THE PUBLIC OR FOR THE PURPOSE OF RECEIVING, STORING, HANDLING, OR TRANSFERRING MOTOR FUEL.

(D) "TRANSFER SWITCH" MEANS A QUICK CONNECT OR A SWITCHBOARD DESIGNED TO ALLOW CONNECTION OF A MOBILE GENERATOR, OR OTHER ALTERNATIVE POWER SOURCE, TO A MOTOR FUEL FACILITY, AS DEFINED AND REQUIRED BY THIS SECTION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(E) "POWER INTERRUPTION" MEANS THE LOSS OF ELECTRICAL POWER FROM THE FACILITIES OF AN ELECTRIC CORPORATION, AS DEFINED IN SUBDIVISION THIRTEEN OF SECTION TWO OF THE PUBLIC SERVICE LAW, TO A MOTOR FUEL FACILITY.

2. EVERY NEWLY CONSTRUCTED OR SUBSTANTIALLY RENOVATED MOTOR FUEL FACILITY GIVEN A CERTIFICATE OF OCCUPANCY ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN SHALL HAVE INSTALLED IN SUCH FACILITY AN APPROPRIATE TRANSFER SWITCH AND ALL OTHER ELECTRICAL WIRING NECESSARY TO EFFECTUATE THE TRANSFER OF POWER TO AN ALTERNATIVE POWER SOURCE.

3. THE INSTALLATION AND MAINTENANCE OF THE TRANSFER SWITCH AND ALL OTHER ELECTRICAL WORK NECESSARY TO EFFECTUATE THE TRANSFER OF POWER TO AN ALTERNATIVE POWER SOURCE, AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION, AND THE ALTERNATIVE POWER SOURCE, AS REQUIRED BY SUBDIVISION FOUR OF THIS SECTION, SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS, INCLUDING LOCAL CONSTRUCTION AND FIRE CODES.

4. EACH NEWLY CONSTRUCTED OR SUBSTANTIALLY RENOVATED MOTOR FUEL FACILITY GIVEN A CERTIFICATE OF OCCUPANCY ISSUED ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN SHALL BE CAPABLE OF OPERATING ALL FUEL PUMPS, DISPENSING EQUIPMENT, LIFE SAFETY SYSTEMS AND PAYMENT ACCEPTANCE EQUIPMENT USING AN ALTERNATIVE GENERATED POWER SOURCE WITHIN TWENTY-FOUR HOURS OF A POWER INTERRUPTION.

5. EACH PERSON WHO OWNS, LEASES, OPERATES OR OTHERWISE MANAGES OR CONTROLS A MOTOR FUEL FACILITY SHALL MAINTAIN AT SUCH FACILITY DOCUMENTATION OF THE INSTALLATION REQUIRED BY SUBDIVISION TWO OF THIS SECTION, AS WELL AS ANY PERIODIC TESTING NECESSARY TO ENSURE THE OPERATIONAL CAPABILITY OF SUCH INSTALLATION. SUCH DOCUMENTATION SHALL BE MADE AVAILABLE UPON REQUEST.

6. NOTHING IN THIS SECTION SHALL PRECLUDE THE APPLICATION OF LOCAL LAWS AND REGULATIONS, NOT INCONSISTENT WITH THIS SECTION, GOVERNING THE INSTALLATION, MAINTENANCE AND INSPECTION OF, AND OTHER REQUIREMENTS RELATING TO, ALTERNATIVE POWER SOURCES.

S 2. This act shall take effect immediately.