



Sen. Emil Jones, III

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1 AMENDMENT TO SENATE BILL 268

2 AMENDMENT NO. _____. Amend Senate Bill 268 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Emergency Motor Fuel Availability Act.

6 Section 5. Definitions. As used in this Act:

7 "Major disaster" means a disaster that will likely exceed
8 local capabilities and require a broad range of State and
9 federal assistance.

10 "Retail outlet" means a facility, including land and
11 improvements, where motor fuel is offered for sale at retail to
12 the motoring public.

13 "Substantially renovated" means a renovation that results
14 in an increase of greater than 50% in the assessed value of the
15 motor fuel retail outlet.

16 "Terminal facility" means any inland, waterfront, or

1 offshore appurtenance on land used for the purpose of storing,
2 handling, or transferring motor fuel, but does not include bulk
3 storage facilities owned or operated by a wholesaler.

4 "Wholesaler" means any person, other than a refiner or
5 dealer, who purchases motor fuel at a terminal facility and
6 supplies motor fuel to retail outlets.

7 Section 10. Alternate generated power sources required.

8 (a) No later than January 1, 2017, each terminal facility
9 and each wholesaler that sells motor fuel in this State must be
10 capable of operating its distribution loading racks using an
11 alternate generated power source for a minimum of 72 hours.
12 Pending a post-disaster examination of the equipment by the
13 operator to determine any extenuating damage that would render
14 it unsafe to use, the facility must have the alternate
15 generated power source available for operation no later than 36
16 hours after a major disaster. Installation of appropriate
17 wiring, including a transfer switch, shall be performed by a
18 certified electrical contractor. Each business that is subject
19 to this subsection (a) must keep a copy of the documentation of
20 that installation on site or at its corporate headquarters. In
21 addition, each business must keep a written statement attesting
22 to the periodic testing and ensured operational capacity of the
23 equipment. Upon request, each business shall make the required
24 documents available to the Illinois Emergency Management
25 Agency and the director of the county emergency management

1 agency where the business is located.

2 (b) Each newly constructed or substantially renovated
3 retail outlet, for which a certificate of occupancy is issued
4 on or after January 1, 2016, shall be prewired with an
5 appropriate transfer switch, and capable of operating all fuel
6 pumps, dispensing equipment, life safety systems, and
7 payment-acceptance equipment using an alternate generated
8 power source. Local building inspectors shall include this
9 equipment and operations check in the normal inspection process
10 before issuing a certificate of occupancy. Each retail outlet
11 that is subject to this subsection (b) must keep a copy of the
12 certificate of occupancy on site or at its corporate
13 headquarters. In addition, each retail outlet must keep a
14 written statement attesting to the periodic testing of and
15 ensured operational capability of the equipment. Upon request,
16 each retail outlet shall make the required documents available
17 to the Illinois Emergency Management Agency and the director of
18 the county emergency management agency where the retail outlet
19 is located.

20 (c) No later than January 1, 2017, each of the following
21 retail outlets that are located within one-half mile of an
22 interstate highway or State or federally designated evacuation
23 route must be prewired with an appropriate transfer switch and
24 be capable of operating all fuel pumps, dispensing equipment,
25 life safety systems, and payment-acceptance equipment using an
26 alternate generated power source:

1 (1) A retail outlet located in a county having a
2 population of 500,000 or more that has 16 or more fueling
3 positions.

4 (2) A retail outlet located in a county having a
5 population of 100,000 or more, but fewer than 500,000, that
6 has 12 or more fueling positions.

7 (3) A retail outlet located in a county having a
8 population of fewer than 100,000 that has 8 or more fueling
9 positions.

10 Installation of appropriate wiring and transfer switches
11 must be performed by a certified electrical contractor. Each
12 retail outlet that is subject to this subsection (c) must keep
13 a copy of the documentation of the installation on site or at
14 its corporate headquarters. In addition, each retail outlet
15 must keep a written statement attesting to the periodic testing
16 of and ensured operational capacity of the equipment. Upon
17 request, each retail outlet shall make the required documents
18 available to the Illinois Emergency Management Agency and the
19 director of the county emergency management agency where the
20 retail outlet is located.

21 (d) Subsections (b) and (c) apply to any self-service,
22 full-service, or combination self-service and full-service
23 retail outlet regardless of whether the retail outlet is
24 located on the grounds of, or is owned by, another retail
25 business establishment that does not engage in the business of
26 selling motor fuel.

1 Subsections (b) and (c) do not apply to:

2 (1) an automobile dealer;

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

4 (3) a person who sells motor fuel exclusively to a
5 fleet of motor vehicles; or

6 (4) a motor fuel retail outlet that has a written
7 agreement with a public hospital, in a form approved by the
8 Illinois Emergency Management Agency, wherein the public
9 hospital agrees to provide the motor fuel retail outlet
10 with an alternative means of power generation onsite so
11 that the outlet's fuel pumps may be operated in the event
12 of a power outage.

13 (e) Each corporation or other entity that owns 10 or more
14 retail outlets located within a single county shall maintain at
15 least one portable generator that is capable of providing an
16 alternate generated power source as required under subsection
17 (b) for every 10 outlets. If an entity owns more than 10
18 outlets or a multiple of 10 outlets plus an additional 6
19 outlets, the entity must provide one additional generator to
20 accommodate the additional outlets. Each portable generator
21 must be stored within this State, or may be stored in another
22 state if located within 250 miles of this State, and must be
23 available for use in an affected location within 24 hours after
24 a disaster.

25 (f) Each corporation or other entity that owns 10 or more
26 retail outlets located within a single Illinois Emergency

1 Management Agency region, and that does not own additional
2 outlets located outside the domestic security region shall
3 maintain a written document of agreement with one or more
4 similarly equipped entities for the use of portable generators
5 that may be used to meet the requirements of subsection (e) and
6 that are located within this State but outside the affected
7 domestic security region. The agreement may be reciprocal, may
8 allow for payment for services rendered by the providing
9 entity, and must guarantee the availability of the portable
10 generators to an affected location within 24 hours after a
11 disaster.

12 (g) Upon written request, the Illinois Emergency
13 Management Agency may temporarily waive the requirements in
14 paragraphs (a) and (b) if the generators are used in
15 preparation for or response to an emergency or major disaster
16 in another state. The waiver shall be in writing and include a
17 beginning and ending date. The waiver may provide additional
18 conditions as deemed necessary by the Illinois Emergency
19 Management Agency. The waiver may be modified or terminated by
20 the Illinois Emergency Management Agency if the Governor
21 declares an emergency.

22 (h) For purposes of this Act, ownership of a retail outlet
23 is the owner of record of the fuel storage systems operating at
24 the location, as registered with the Office of the Illinois
25 State Fire Marshal Underground Storage Tank Program pursuant to
26 the Gasoline Storage Act.".