

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO CIVIL DEFENSE

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The massive 6.7 earthquake off the coast of the  
2 Big Island on October 15, 2006, caused several generators on  
3 Oahu to shut down because of the shaking, setting off a chain of  
4 events that led to an extended power outage for the whole  
5 island. Many gas stations lost power in their pumps, causing an  
6 inability to be prepared for possible transportation of people  
7 to shelters or to other safe areas and to buy needed emergency  
8 supplies. The legislature finds that the inability of gas  
9 stations to pump gas caused a heightened risk to public safety.

10           The purpose of this Act is to require gas stations to be  
11 equipped with emergency back up power in times of power outages.

12           SECTION 2. Section 128-2, Hawaii Revised Statutes, is  
13 amended by adding a new definition to be appropriately inserted  
14 and to read as follows:

15           "Power outage" means a failure in the supply of  
16 electricity, including but not limited to a blackout, causing a  
17 temporary cessation in the supply of power."



1 SECTION 3. Chapter 128, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§128- Power outage; duty of retail dealer of fuel;  
5 emergency power supply. (a) Beginning November 1, 2007, a  
6 retail dealer of liquid fuel, as those terms are defined under  
7 section 243-1, shall maintain an emergency supply of electrical  
8 power, in the event of a power outage, to enable the continued  
9 operation of at least one fuel pump during the power outage for  
10 at least a seventy-two hour period.

11 (b) It is only a violation of this section if the failure  
12 to maintain at least one pump is due to a failure to install or  
13 maintain an emergency power supply or human error in failure to  
14 activate the system. Failure due to physical damage caused by  
15 the emergency is not a violation.

16 (c) Notwithstanding section 128-33, a violation of this  
17 section shall be punishable by a fine of \$1,000 for each day or  
18 fraction thereof, of the violation. The director of civil  
19 defense shall enforce this law."

20 SECTION 4. Section 128-33, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§128-33 Penalties prescribed by this chapter additional  
2 to other penalties. If conduct prohibited by or under the  
3 authority of this chapter is also made unlawful by another or  
4 other laws, the offender may be convicted as provided in section  
5 128-32 or for the violation of the other law or laws[-], except  
6 as provided in section 128- ."

7           SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9           SECTION 6. This Act shall take effect upon its approval,  
10 and shall apply to gas stations beginning September 1, 2007.

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INTRODUCED BY:

*Francis L. Baker*  
*By Request*



**Report Title:**

Civil Defense; Power Outages

**Description:**

Requires retail dealers of liquid fuel to maintain emergency electrical generators in times of power outages.

