
A BILL FOR AN ACT

RELATING TO ENERGY INDUSTRY REPORTING.

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

1 SECTION 1. Section 486H-13, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (l) to read:

4 "(l) The suspension of the maximum pre-tax wholesale
5 gasoline price shall suspend the commission's duty to calculate
6 and publish the maximum pre-tax wholesale gasoline price that
7 would have been in effect but for the suspension, but shall not
8 suspend or affect:

9 (1) Any duty to register, timely provide information, make
10 a report, or file a statement under chapter 486J; or

11 (2) Any duty of the commission to[+

12 ~~(A) Timely obtain, analyze, or publicly disclose or~~
13 ~~report information under chapter 486J; and~~

14 ~~(B) Enforce]~~ enforce chapter 486B."

15 2. By amending subsection (n) to read:

16 "(n) The commission shall have the power to determine the
17 extent to which a manufacturer, wholesaler, or jobber is



1 complying with any requirement imposed or rule adopted under
2 this section, including the power to compel a manufacturer,
3 wholesaler, or jobber to submit documents, data, and information
4 necessary and appropriate for the commission to determine [such]
5 compliance. [~~The commission may use data collected pursuant to
6 chapter 486J in determining such compliance.~~]"

7 SECTION 2. Section 486J-1, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding two new definitions to read:

10 "Inventory" means the volume, in barrels, of reserve that
11 is normally maintained by the reporting entity on a monthly
12 basis.

13 "Storage capacity" means the maximum volume, in barrels, of
14 used and useful facility capacity for storage."

15 2. By repealing the definitions of "competitively priced",
16 "corporate overhead expenses", "dealer tank wagon price", "major
17 fuel user", "major marketer", "major oil producer", "major oil
18 storer", "major oil transporter", "nonrefiner wholesale price",
19 "refiner wholesale price", and "wholesale liquid fuel prices".

20 [~~"Competitively priced" means fuel grade ethanol for which
21 the wholesale price, minus the value of all applicable federal,
22 state, and county tax credits and exemptions, is not more than~~



1 ~~the average posted rack price of unleaded gasoline of comparable~~
2 ~~grade published in the State.~~

3 ~~"Corporate overhead expenses" means the expenses or costs~~
4 ~~allocated by the refiners that reflect their Hawaii business~~
5 ~~units' share of corporate staff costs, such as legal, finance,~~
6 ~~accounting, information technology, and similar costs.~~

7 ~~"Dealer tank wagon price" means the wholesale price at~~
8 ~~which liquid fuel is sold to any retail outlet by any~~
9 ~~distributor priced on a delivered basis to a retail outlet.~~

10 ~~"Major fuel user" means any person who uses fuel in the~~
11 ~~manufacture of products or for the generation of power in~~
12 ~~amounts determined by the commission as having a major effect on~~
13 ~~energy supplies.~~

14 ~~"Major marketer" means any person who sells natural gas,~~
15 ~~propane, synthetic natural gas, or oil in amounts determined by~~
16 ~~the commission as having a major effect on energy supplies.~~

17 ~~"Major oil producer" means any person who produces oil in~~
18 ~~amounts determined by the commission as having a major effect on~~
19 ~~energy supplies.~~

20 ~~"Major oil storer" means any person who stores oil or other~~
21 ~~petroleum products in amounts determined by the commission as~~
22 ~~having a major effect on energy supplies.~~



1 ~~"Major oil transporter" means any person who transports oil~~
2 ~~or other petroleum products in amounts determined by the~~
3 ~~commission as having a major effect on energy supplies.~~

4 ~~"Nonrefiner wholesale price" means the wholesale price at~~
5 ~~which liquid fuel is sold by any distributor, not a refiner, to~~
6 ~~any other distributor, not a refiner, for resale at any~~
7 ~~subsequent wholesale or retail transaction.~~

8 ~~"Refiner wholesale price" means the wholesale price at~~
9 ~~which liquid fuel is sold by a refiner to any distributor, not a~~
10 ~~refiner, for resale at any subsequent wholesale or retail~~
11 ~~transaction.~~

12 ~~"Wholesale liquid fuel prices" means the prices at which~~
13 ~~liquid fuel is sold at wholesale for resale at wholesale or~~
14 ~~retail, typically but not limited to gasoline and diesel for~~
15 ~~motor vehicles, and include "dealer tank wagon price",~~
16 ~~"nonrefiner wholesale price", and "refiner wholesale price"."]~~

17 SECTION 3. Section 486J-3, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§486J-3 Statements.** ~~[-(a)]~~ Each ~~[week]~~ month every
20 refiner and distributor ~~[and major fuel user shall file with the~~
21 ~~commission, on forms prescribed, prepared, and furnished by the~~
22 ~~commission, a certified statement showing on a statewide~~



1 ~~consolidated basis, and] on the reporting date established by~~
2 ~~the director, shall file on forms furnished by and to the~~
3 ~~department showing separately for each county and for the~~
4 ~~islands of Lanai and Molokai within which and whereon fuel is~~
5 ~~sold or used during the last preceding reporting [week,] month,~~
6 ~~the following:~~

7 ~~[(1) The total number of gallons or units of fuel, by type~~
8 ~~or grade, refined, manufactured, or compounded by the~~
9 ~~distributor within the State and, if for ultimate sale~~
10 ~~or consumption in another county or on another island,~~
11 ~~the number of gallons or units of fuel, by type or~~
12 ~~grade, sold, exchanged, or otherwise transferred or~~
13 ~~used by the distributor in each county or island;~~

14 ~~(2) The total number of gallons or units of fuel, by type~~
15 ~~or grade, imported or exported by the distributor; the~~
16 ~~total volumes of fuel, by type or grade, sold,~~
17 ~~exchanged, or otherwise transferred or used by the~~
18 ~~distributor; and if for ultimate sale or consumption~~
19 ~~in another county or on another island, the number of~~
20 ~~gallons or units of fuel, by type or grade, sold,~~
21 ~~exchanged, or otherwise transferred or used by the~~
22 ~~distributor in each county or island;~~



- 1 ~~(3) The total number of gallons or units of fuel sold as~~
2 ~~liquid fuel, aviation fuel, diesel fuel, and other~~
3 ~~types of fuel as required by the commission;~~
- 4 ~~(4) The total number of gallons or units of fuel, by type~~
5 ~~or grade, and their respective sales prices for all~~
6 ~~fuel sold to federal, state, and county agencies,~~
7 ~~ships stores, or base exchanges, commercial~~
8 ~~agricultural accounts, commercial nonagricultural~~
9 ~~accounts, retail dealers, and other customers as~~
10 ~~required by the commission;~~
- 11 ~~(5) Weekly weighted average acquisition cost per barrel~~
12 ~~and volumes of foreign or domestic crude oil or other~~
13 ~~liquid fuels, finished or unfinished, imported to~~
14 ~~Hawaii, including information identifying the source~~
15 ~~of the crude oil or other liquid fuels;~~
- 16 ~~(6) The effective date and time, and the amount of change~~
17 ~~in cents per gallon, of any increase or decrease in~~
18 ~~wholesale price occurring during the week and the~~
19 ~~weekly weighted average wholesale prices and sales~~
20 ~~volumes of finished unleaded regular and premium motor~~
21 ~~gasoline, and of each other grade of gasoline sold, by~~



1 ~~island, to retail outlets, by classes of retail trade,~~
2 ~~and to wholesale distributors,~~

3 ~~(7) Weekly weighted average retail prices, and sales~~
4 ~~volumes of finished unleaded regular and premium motor~~
5 ~~gasoline, and of each other grade of gasoline sold, by~~
6 ~~island, by retail distributor outlets of all classes~~
7 ~~of retail trade and by any distributor to other end-~~
8 ~~users; provided that the commission may purchase~~
9 ~~retail price data from data service companies that the~~
10 ~~commission may use to substitute some or all data to~~
11 ~~meet the reporting requirement for retail price data~~
12 ~~under this paragraph,~~

13 ~~(8) The effective date and time, and the amount of change~~
14 ~~in cents per gallon, of any increase or decrease in~~
15 ~~wholesale price occurring during the week and the~~
16 ~~weekly weighted average wholesale prices, and sales~~
17 ~~volumes of No. 2 diesel fuel and No. 2 fuel oil, by~~
18 ~~island, to retail distributor outlets, by classes of~~
19 ~~retail trade, and to all other wholesale distributors.~~
20 ~~Weighted average wholesale prices and sales volumes~~
21 ~~shall be reported by type of wholesale liquid fuel~~
22 ~~price,~~



- 1 ~~(9) Weekly weighted average retail prices, and sales~~
2 ~~volumes of No. 2 diesel fuel and No. 2 fuel oil sold,~~
3 ~~by island, by retail distributor outlets of all~~
4 ~~classes of retail trade and by any distributor to~~
5 ~~other end users. The commission may purchase retail~~
6 ~~price data from data service companies that the~~
7 ~~commission may use to substitute some or all data to~~
8 ~~meet the reporting requirement for retail price data~~
9 ~~under this paragraph;~~
- 10 ~~(10) Weekly weighted average prices, and sales volumes for~~
11 ~~retail sales and wholesale sales, by island, of No. 1~~
12 ~~distillate, kerosene, finished aviation gasoline,~~
13 ~~kerosene type jet fuel, No. 4 fuel oil, residual fuel~~
14 ~~oil, and consumer grade propane;~~
- 15 ~~(11) For each distributor that is a refiner, the gross~~
16 ~~margins or spreads between a refiner's average~~
17 ~~weighted acquisition price for each gallon of crude~~
18 ~~oil and blendstock refined within the State and the~~
19 ~~average weighted prices for each gallon or unit of~~
20 ~~fuel sold, by county or island, to another~~
21 ~~distributor, a retail dealer, end user, and consumer;~~



- 1 ~~(12) For each distributor that is not a refiner, the gross~~
2 ~~margins or spreads between the distributor's average~~
3 ~~weighted price for each gallon or unit of fuel~~
4 ~~acquired by the distributor and the average weighted~~
5 ~~prices for each gallon or unit of fuel sold, by county~~
6 ~~or island, to another distributor, a retail dealer,~~
7 ~~end user, or consumer; and~~
8 ~~(13) Revenues, expenses, profits and losses, and any other~~
9 ~~financial or operating information as may be required~~
10 ~~by the commission.~~

11 ~~The commission shall prescribe applicable standards and~~
12 ~~practices for reporting to facilitate uniformity, consistency,~~
13 ~~and comparability of the data to be submitted.]~~

- 14 (1) The total volume of fuel imported into and exported
15 from Hawaii, and if for ultimate sale or consumption
16 in another county or on another island, the total
17 volume of fuel, in barrels, by import location
18 (foreign and domestic), by specific crude oil
19 imported, and by liquid fuel type, aviation fuel,
20 diesel fuel, biofuels, and other types of fuel as
21 required by the department, that is sold, exchanged,
22 or otherwise transferred or used by the distributor;



- 1 (2) The total volume of fuel refined, manufactured, or
2 compounded by refineries, in barrels, by company, and
3 by specific crude oil and by liquid fuel type,
4 aviation fuel, diesel fuel, biofuels, and other types
5 of fuel as required by the department, including No. 2
6 diesel fuel, No. 1 distillate, No. 2 fuel oil, No. 4
7 fuel oil, kerosene, finished aviation gasoline,
8 kerosene-type jet fuel, residual fuel oil, consumer
9 grade propane, gasoline (regular, midgrade, and
10 premium);
- 11 (3) The total volume of fuel distributed, in barrels, by
12 company, by island, and by liquid fuel type, aviation
13 fuel, diesel fuel, biofuels, and other types of fuel
14 as required by the department, and by:
- 15 (A) Classes of retail trade; and
16 (B) Federal, state, county agencies, ships stores, or
17 base exchanges, commercial agriculture accounts,
18 commercial non-agriculture accounts, retail
19 dealers, and other customers as required by the
20 department; and
- 21 (4) The total volume of inventory and storage capacity, in
22 barrels, by reporting entity, by specific crude oil,



1 and by liquid fuel type, aviation fuel, diesel fuel,
2 biofuels, and other types of fuel as required by the
3 department.

4 ~~[(b) Each major marketer shall submit to the commission,~~
5 ~~at a time and in a form as the commission shall prescribe,~~
6 ~~information, including petroleum and petroleum product receipts,~~
7 ~~exchanges, inventories, and distributions.~~

8 ~~(c) The commission may require additional information as~~
9 ~~and when the commission deems necessary to perform the~~
10 ~~commission's responsibilities under this chapter.~~

11 ~~(d) Information in the statements filed pursuant to this~~
12 ~~section shall be collected and maintained for the purpose of~~
13 ~~facilitating the analysis required by this chapter; provided~~
14 ~~that the commission shall make the information available to the~~
15 ~~public, to the extent permitted under sections 486J-6 and~~
16 ~~486J-8.] "~~

17 SECTION 4. Section 486J-6, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§486J-6 Confidential information.** (a) Confidential
20 commercial information provided to the commission at any time
21 pursuant to this chapter that is exempt from public disclosure
22 under section 92F-13 shall be held in confidence by the



1 commission or aggregated to the extent necessary in the
2 commission's discretion to ensure confidentiality as required by
3 chapter 92F.

4 (b) No data or information submitted to the commission at
5 any time shall be deemed confidential if it is shown that the
6 person submitting the information or data has made it public.

7 (c) Unless otherwise provided by law, with respect to data
8 that the commission [~~obtains~~] obtained or [~~is~~] was provided
9 pursuant to section 486J-3, 486J-4, 486J-4.5, or 486J-5[7] prior
10 to their repeal, neither the commission nor any employee of the
11 commission may do any of the following:

- 12 (1) Use the information furnished or obtained for any
13 purpose other than the purposes for which it is
14 supplied;
- 15 (2) Make any publication whereby the data furnished by any
16 person can be identified; or
- 17 (3) Permit any person other than the commission, the
18 department of taxation, the attorney general, the
19 consumer advocate, the department of business,
20 economic development, and tourism, and the authorized
21 representatives and employees of each to examine the
22 individual reports or statements provided."



1 SECTION 5. Section 486J-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§486J-7 Confidential information obtained by another
4 state agency. Any confidential information pertinent to the
5 responsibilities of the commission or the director specified in
6 this chapter that is obtained by another state agency, including
7 the department of taxation, the attorney general, and the
8 consumer advocate, shall be available only to the attorney
9 general, the attorney general's authorized representatives, the
10 department of business, economic development, and tourism, and
11 the commission and shall be treated in a confidential manner."

12 SECTION 6. Section 486J-4, Hawaii Revised Statutes, is
13 repealed.

14 [~~"§486J-4 Informational reports. (a) Each major oil
15 producer, refiner, marketer, oil transporter, and oil storer
16 shall submit to the commission, in a form as the commission
17 shall prescribe, information that includes the following:~~

18 ~~(1) Major oil transporters shall report on petroleum by
19 reporting the capacities of each major transportation
20 system, the amount transported by each system, and
21 inventories thereof. The provision of the information~~



1 shall not be construed to increase and decrease any
2 authority the commission may otherwise have;

3 ~~(2) Major oil storers shall report on storage capacity,~~
4 ~~inventories, receipts and distributions, and methods~~
5 ~~of transportation of receipts and distributions;~~

6 ~~(3) Refiners shall report on facility capacity and~~
7 ~~utilization and method of transportation of refinery~~
8 ~~receipts and distributions; and~~

9 ~~(4) Major oil marketers shall report on facility capacity~~
10 ~~and methods of transportation of receipts and~~
11 ~~distributions.~~

12 ~~(b) The commission may require additional information as~~
13 ~~and when the commission deems necessary to perform the~~
14 ~~commission's responsibilities under this chapter."]~~

15 SECTION 7. Section 486J-4.5, Hawaii Revised Statutes, is
16 repealed.

17 ~~["§486J-4.5 Informational cost reports. (a) Each~~
18 ~~refiner, on a semi annual basis, at reporting dates as the~~
19 ~~commission may establish, shall file with the commission, on~~
20 ~~forms prescribed, prepared, and furnished by the commission, a~~
21 ~~certified statement of operating and overhead costs for the~~



1 ~~refiner's Hawaii operations that shall include but not be~~
2 ~~limited to the following:~~

- 3 ~~(1) Crude oil costs and sources;~~
4 ~~(2) Other feedstock costs and sources;~~
5 ~~(3) Refinery operating expenses;~~
6 ~~(4) Marketing operating expenses by petroleum product;~~
7 ~~(5) Distribution expenses by petroleum product; and~~
8 ~~(6) Corporate overhead expenses.~~

9 ~~(b) In addition to the reporting required under subsection~~
10 ~~(a), each distributor shall file with the commission all~~
11 ~~Securities and Exchange Commission Forms 10-K, 10-Q, annual~~
12 ~~reports, quarterly reports, and earnings supplements published~~
13 ~~by the distributor.~~

14 ~~(c) Each distributor, except a distributor who is so~~
15 ~~defined solely by criteria in paragraph (4) of that definition~~
16 ~~in section 486J-1, who sells liquid fuel only at retail and is~~
17 ~~not a refiner, shall file with the commission, on a semi-annual~~
18 ~~basis at reporting dates as the commission may establish, on~~
19 ~~forms prescribed, prepared, and furnished by the commission, a~~
20 ~~certified statement of operating and overhead costs that shall~~
21 ~~include the following:~~

- 22 ~~(1) Gasoline purchases and exchanges and sources;~~



1 ~~(2) Diesel purchases and exchanges and sources;~~

2 ~~(3) Marketing expenses; and~~

3 ~~(4) Distribution expenses."]~~

4 SECTION 8. Section 486J-5, Hawaii Revised Statutes, is
5 repealed.

6 ~~["§486J-5 Analysis of information; summary reports. (a)~~

7 ~~The commission, with the commission's own staff and other~~
8 ~~support staff with expertise and experience in, or with, the~~
9 ~~petroleum industry, shall gather, analyze, and interpret the~~
10 ~~information submitted to it pursuant to sections 486J-3, 486J-4,~~
11 ~~and 486J-4.5 and other information relating to the supply,~~
12 ~~prices, margins, and profits of petroleum products, with~~
13 ~~particular emphasis on motor vehicle fuels, including but not~~
14 ~~limited to all of the following:~~

15 ~~(1) The nature, cause, and extent of any petroleum or~~
16 ~~petroleum product situation or condition affecting~~
17 ~~supply, price, margins, or profits;~~

18 ~~(2) The prices, with particular emphasis on wholesale and~~
19 ~~retail motor vehicle fuel prices, and any significant~~
20 ~~changes in prices charged by the petroleum industry~~
21 ~~for petroleum or petroleum products sold in Hawaii and~~
22 ~~the reasons for the changes;~~



1 ~~(3) The income, expenses, margins, and profits in Hawaii,~~
2 ~~both before and after taxes, of each distributor and~~
3 ~~the income, expenses, margins, and profits, both~~
4 ~~before and after taxes, of major oil companies in~~
5 ~~other regions of the United States and other~~
6 ~~countries; and~~

7 ~~(4) The emerging trends relating to supply, demand, price,~~
8 ~~margins, and profits.~~

9 ~~(b) The commission shall analyze the effects of state and~~
10 ~~federal policies, rules, and regulations upon the supply and~~
11 ~~pricing of petroleum products.~~

12 ~~(c) The commission shall publish annually and submit to~~
13 ~~the governor and the legislature twenty days prior to the first~~
14 ~~day of each regular legislative session a summary, including any~~
15 ~~analysis and interpretation of the information submitted to it~~
16 ~~pursuant to this chapter, and any other activities taken by the~~
17 ~~commission, including civil penalties imposed and referrals of~~
18 ~~violations to the attorney general under section 486J-9. Any~~
19 ~~person may submit comments in writing regarding the accuracy or~~
20 ~~sufficiency of the information submitted."]~~

21 SECTION 9. Section 486J-5.3, Hawaii Revised Statutes, is
22 repealed.



1 ~~["§486J-5.3] Use and analysis of information by the~~
2 ~~department of business, economic development, and tourism. The~~
3 ~~department, with its own staff and other support staff with~~
4 ~~relevant expertise and experience, shall use the information~~
5 ~~obtained under this chapter to effectuate the purposes of~~
6 ~~chapters 125C, 196, and other relevant laws."]~~

7 SECTION 10. Section 486J-5.5, Hawaii Revised Statutes, is
8 repealed.

9 ~~["§486J-5.5] Petroleum industry monitoring, analysis, and~~
10 ~~reporting program. The commission shall establish the petroleum~~
11 ~~industry monitoring, analysis, and reporting program that~~
12 ~~includes development and maintenance of an automated petroleum~~
13 ~~industry information reporting system that meets the~~
14 ~~requirements of government, industry, and the public while~~
15 ~~promoting sound policy making and consumer information and~~
16 ~~protection. The purpose of the petroleum industry monitoring,~~
17 ~~analysis, and reporting program is to conduct and facilitate the~~
18 ~~efficient analysis and reporting of all information and data~~
19 ~~provided by the petroleum industry pursuant to this chapter.~~
20 ~~The commission shall develop the petroleum industry monitoring,~~
21 ~~analysis, and reporting program in a manner that will result in~~
22 ~~greater market transparency and provide useful information to~~



1 ~~the general public and those agencies that are authorized to~~
2 ~~conduct oversight of the petroleum industry and ensure~~
3 ~~compliance with all relevant laws."]~~

4 SECTION 11. Section 486J-5.6, Hawaii Revised Statutes, is
5 repealed.

6 ~~["~~{486J-5.6} Petroleum industry monitoring, analysis, and~~~~
7 ~~reporting special fund. (a) There is established a petroleum~~
8 ~~industry monitoring, analysis, and reporting special fund to be~~
9 ~~administered by the commission.~~

10 ~~(b) The legislature may make appropriations from the~~
11 ~~general revenues of the State of Hawaii, not to exceed~~
12 ~~\$2,000,000 in any fiscal year, for the petroleum industry~~
13 ~~monitoring, analysis, and reporting special fund.~~

14 ~~(c) Moneys in the special fund shall be used to:~~

15 ~~(1) Administer the petroleum industry monitoring,~~
16 ~~analysis, and reporting program pursuant to this~~
17 ~~chapter; and~~

18 ~~(2) Establish full time staff positions in the~~
19 ~~commission to implement and maintain the petroleum~~
20 ~~industry monitoring, analysis, and reporting program,~~
21 ~~including the automated petroleum industry information~~
22 ~~reporting system established by section 486J-5.5."]~~



1 SECTION 12. Section 486J-8, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§486J-8 Sharing of information obtained by the~~
4 ~~commission. (a) Except as provided in subsections (b) and (c),~~
5 ~~the commission shall make any information obtained by the~~
6 ~~commission under this chapter, including confidential~~
7 ~~information, available only to the attorney general, the~~
8 ~~department of taxation, the consumer advocate, the department of~~
9 ~~business, economic development, and tourism, an appropriate~~
10 ~~legislative committee, and the authorized representative of~~
11 ~~each, who shall safeguard the confidentiality of all~~
12 ~~confidential information received.~~

13 ~~(b) The commission shall disclose to the public, using the~~
14 ~~best readily available technology, the information contained in~~
15 ~~the statements that are filed pursuant to section 486J-3, except~~
16 ~~to the extent that disclosure is prohibited under section 486J-~~
17 ~~6. The commission shall publicly report this information within~~
18 ~~fourteen days pursuant to the reporting dates established by the~~
19 ~~commission under section 486J-3.~~

20 ~~(c) Nothing in this section shall be construed to prohibit~~
21 ~~the implementation of the petroleum industry monitoring,~~
22 ~~analysis, and reporting program under section 486J-5.5 or the~~



1 ~~public disclosure of the analysis of information and reports~~
2 ~~described in section 486J-5."~~]

3 SECTION 13. Section 486J-9, Hawaii Revised Statutes, is
4 repealed.

5 ~~["§486J-9 Failure to timely provide information; failure~~
6 ~~to make and file statements; false statements; penalties;~~
7 ~~referral to the attorney general. (a) The commission shall~~
8 ~~notify those persons who have failed to timely provide the~~
9 ~~information specified in section 486J-3, 486J-4, or 486J-4.5 or~~
10 ~~requested by the commission under section 486J-3, 486J-4, or~~
11 ~~486J-4.5. If, within five business days after being notified of~~
12 ~~the failure to provide the specified or requested information,~~
13 ~~the person fails to supply the specified or requested~~
14 ~~information, the person shall be subject to a civil penalty of~~
15 ~~not less than \$50,000 per day nor more than \$100,000 per day for~~
16 ~~each day the submission of information is refused or delayed.~~

17 ~~(b) Any person, or any employee of any person, who~~
18 ~~wilfully makes any false statement, representation, or~~
19 ~~certification in any record, report, plan, or other document~~
20 ~~filed with the commission shall be subject to a civil penalty~~
21 ~~not to exceed \$500,000 and shall be deemed to have committed an~~
22 ~~unfair or deceptive act or practice in the conduct of a trade or~~



1 ~~commerce and subject to the penalties specified in chapters 480~~
2 ~~and 486B.~~

3 ~~(c) The commission shall refer any matter under subsection~~
4 ~~(a) or (b) to the attorney general, who may exercise any~~
5 ~~appropriate legal or equitable remedies that may be available to~~
6 ~~the State.~~

7 ~~(d) For the purposes of this section, "person" means, in~~
8 ~~addition to the definition contained in section 486J 1, any~~
9 ~~responsible corporate officer."]~~

10 SECTION 14. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 15. This Act shall take effect on July 1, 2010.

13



Report Title:

Petroleum Industry; Information

Description:

Repeals the Petroleum Industry Monitoring, Analysis, and Reporting Program, and its special fund; requires refiners and distributors to report monthly to the Department of Business, Economic Development, and Tourism, on fuel imported, exported, transferred, used, refined, manufactured, compounded, and distributed. Effective July 1, 2010. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

