

ASSEMBLY, No. 1484

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

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SYNOPSIS

Requires wholesalers, terminal facilities, motor fuel retail dealers, grocery stores, nursing homes, assisted living facilities, and residential rehabilitation facilities to install appropriate wiring for use of generator during power outage.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning alternative power generation during power
2 outages and supplementing various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. For the purposes of this section:

8 “Alternative power generation device” means a device capable of
9 providing electrical power during a power outage including, but not
10 limited to, portable generators, standby generators, emergency
11 generators, or other power generation devices.

12 “Motor fuel” means any combustible liquid or gaseous substance
13 used, or suitable, for the generation of power to propel motor
14 vehicles.

15 “Power outage” means a failure in the supply of electricity
16 causing a temporary cessation in the supply of power.

17 “Rack” means a mechanism for delivering fuel from a refinery or
18 terminal into a railroad tank car, a fuel transportation vehicle, or
19 other means of transfer outside of the terminal transfer system.

20 “Refinery” means a business in this State used to produce motor
21 fuel and from which motor fuel may be removed by pipeline, by
22 ship or barge, or at a rack.

23 “Retail dealer” means a person that engages in the business of
24 selling or dispensing motor fuel to consumers within this State.

25 “State Office of Emergency Management” means the State
26 Office of Emergency Management in the Division of State Police in
27 the Department of Law and Public Safety.

28 “Terminal facility” means any inland, waterfront, or offshore
29 appurtenance on land in this State used for the purpose of storing,
30 handling, or transferring motor fuel, but does not include bulk
31 storage facilities owned or operated by a wholesaler.

32 “Wholesaler” means any person in this State, other than a
33 refinery or retail dealer, who purchases motor fuel at a terminal
34 facility and supplies motor fuel to retail dealers.

35 b. No later than one year after the effective date of P.L. ,

36 c. (C.) (pending before the Legislature as this bill), the owner
37 of a terminal facility shall install appropriate wiring, including a
38 transfer switch, which is capable of operating the terminal facility’s
39 distribution loading racks using an alternate power generation
40 device during a power outage.

41 c. No later than one year after the effective date of P.L. ,

42 c. (C.) (pending before the Legislature as this bill), a
43 wholesaler shall install appropriate wiring, including a transfer
44 switch, which is capable of operating the wholesaler’s distribution
45 loading racks using an alternate power generation device during a
46 power outage.

47 d. No later than one year after the effective date of P.L. ,

48 c. (C.) (pending before the Legislature as this bill), a retail

1 dealer shall install appropriate wiring, including a transfer switch,
2 which is capable of providing electrical power to enable the retail
3 dealer's fuel pumps, dispensing equipment, life-safety systems, and
4 payment acceptance equipment using an alternative power
5 generation device.

6 e. A wholesaler or retail dealer or the owner of a terminal
7 facility who installs appropriate wiring pursuant to subsections b.,
8 c., or d. of this section shall provide appropriate documentation of
9 the installation to the State Office of Emergency Management
10 within 30 days of the installation.

11 f. A wholesaler or retail dealer or the owner of a terminal
12 facility who fails to comply with the requirements of this section
13 shall be liable for a penalty of not more than \$1,000 for a first
14 offense and not more than \$2,500 for each subsequent offense to be
15 collected in a summary proceeding pursuant to the "Penalty
16 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
17 The municipal court and the Superior Court shall have jurisdiction
18 of proceedings for the enforcement of penalties by this subsection.

19

20 2. a. For the purposes of this section:

21 "Alternative power generation device" means a device capable of
22 providing electrical power during a power outage including, but not
23 limited to, portable generators, standby generators, emergency
24 generators, or other power generation devices.

25 "Facility" means a nursing home, assisted living facility, or
26 residential rehabilitation facility in this State licensed pursuant to
27 P.L.1971 c.136 (C.26:2H-1 et seq.).

28 "Power outage" means a failure in the supply of electricity
29 causing a temporary cessation in the supply of power.

30 "State Office of Emergency Management" means the State
31 Office of Emergency Management in the Division of State Police in
32 the Department of Law and Public Safety.

33 b. No later than one year after the effective date of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), a facility
35 shall install appropriate wiring, including a transfer switch, which is
36 capable of providing electrical power in the event of a power outage
37 using an alternative power generation device, according to
38 guidelines developed by the Department of Health pursuant to
39 subsection e. of this section.

40 c. The chief administrator of a facility who installs appropriate
41 wiring pursuant to subsection b. of this section shall provide
42 appropriate documentation of the installation to the State Office of
43 Emergency Management within 30 days of the installation.

44 d. A chief administrator of a facility who fails to comply with
45 the requirements of this section shall be liable for a penalty of not
46 more than \$1,000 for a first offense and not more than \$2,500 for
47 each subsequent offense to be collected in a summary proceeding
48 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,

1 c.274 (C.2A:58-10 et seq.). The municipal court and the Superior
2 Court shall have jurisdiction of proceedings for the enforcement of
3 penalties by this subsection.

4 e. The Commissioner of Health, pursuant to the
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
6 seq.), shall promulgate rules and regulations necessary to effectuate
7 the purposes of this section. These regulations shall include, but
8 not be limited to, minimum standards concerning a facility's wiring
9 and use of an alternative power generation device.

10
11 3. a. For the purposes of this section:

12 "Alternative power generation device" means a device capable of
13 providing electrical power during a power outage including, but not
14 limited to, portable generators, standby generators, emergency
15 generators, or other power generation devices.

16 "Grocery store" means a retail business in this State primarily
17 engaged in the self-service sale of foods and household supplies for
18 off-premises consumption or use and includes a supermarket, but
19 does not include a convenience store, delicatessen, or farmer's
20 market.

21 "Power outage" means a failure in the supply of electricity
22 causing a temporary cessation in the supply of power.

23 "State Office of Emergency Management" means the State
24 Office of Emergency Management in the Division of State Police in
25 the Department of Law and Public Safety.

26 b. No later than one year after the effective date of P.L. ,
27 c. (C.) (pending before the Legislature as this bill), a grocery
28 store shall install appropriate wiring, including a transfer switch,
29 which is capable of providing electrical power in the event of a
30 power outage using an alternative power generation device,
31 according to the guidelines developed by the Department of
32 Community Affairs pursuant to subsection e. of this section.

33 c. The owner of a grocery store who installs appropriate wiring
34 pursuant to subsection b. of this section shall provide appropriate
35 documentation of the installation to the State Office of Emergency
36 Management within 30 days of the installation.

37 d. An owner of a grocery store who fails to comply with the
38 requirements of this section shall be liable for a penalty of not more
39 than \$1,000 for a first offense and not more than \$2,500 for each
40 subsequent offense to be collected in a summary proceeding
41 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
42 c.274 (C.2A:58-10 et seq.). The municipal court and the Superior
43 Court shall have jurisdiction of proceedings for the enforcement of
44 penalties by this subsection.

45 e. The Commissioner of Community Affairs, pursuant to the
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
47 seq.), shall promulgate rules and regulations necessary to effectuate
48 the purposes of this section. These regulations shall include, but

1 not be limited to, minimum standards concerning a grocery store's
2 wiring and use of an alternative power generation device.

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4 4. This act shall take effect on the first day of the seventh
5 month next following enactment.

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STATEMENT

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10 This bill requires wholesalers and terminal facilities to install
11 appropriate wiring, including a transfer switch, capable of operating
12 the terminal facility or wholesaler's distribution loading racks using
13 an alternate power generation device in the event of a power outage.
14 A terminal facility is any inland, waterfront, or offshore
15 appurtenance on land in this State used for the purpose of storing,
16 handling, or transferring motor fuel, but does not include bulk
17 storage facilities owned or operated by a wholesaler. A wholesaler
18 is any person in this State, other than a refinery or retail dealer, who
19 purchases motor fuel at a terminal facility and supplies motor fuel
20 to retail dealers.

21 In addition, the bill requires retail dealers of motor fuel to install
22 appropriate wiring, including a transfer switch, capable of providing
23 electrical power to enable the retail dealer's fuel pumps, dispensing
24 equipment, life-safety systems, and payment acceptance equipment
25 in the event of a power outage.

26 This bill requires grocery stores, nursing homes, assisted living
27 facilities, and residential rehabilitation facilities to install
28 appropriate wiring, including a transfer switch, capable of providing
29 electrical power in the event of a power outage using an alternative
30 power generation device. Alternative power generation device is
31 defined in the bill to mean a device capable of providing electrical
32 power during a power outage including, but not limited to, portable
33 generators, standby generators, emergency generators, or other
34 power generation devices.

35 The wholesaler, terminal facility, retail motor fuel dealer,
36 grocery store, nursing home, assisted living facility, or residential
37 rehabilitation facility which installs appropriate wiring is to provide
38 documentation of the installation to the State Office of Emergency
39 Management within 30 days. A person who fails to comply with
40 the installation and reporting requirements is liable for a penalty of
41 not more than \$1,000 for a first offense and not more than \$2,500
42 for each subsequent offense.

43 residential rehabilitation facilities to install appropriate wiring for
44 use of generator during power outage.