

1 HB363
2 216970-1
3 By Representative Kitchens
4 RFD: State Government
5 First Read: 16-FEB-22

SYNOPSIS: This bill would prohibit any governmental entity of the state from adopting rules, requirements, ordinances, or resolutions to prohibit the otherwise lawful operation of motor fuel retailers that are operating in compliance with existing state and federal law, when such rule, requirement, ordinance, or resolution is based solely on the type of motor fuel sold, processed, or delivered.

A BILL
TO BE ENTITLED
AN ACT

Relating to motor fuel; to prohibit the restriction of certain lawful operations of motor fuel retailers based solely on the type of motor fuel sold by, processed, or delivered to motor fuel retailers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) For the purposes of this section, the
2 following terms shall have the following meanings:

3 (1) GOVERNMENTAL ENTITY. The state or any political
4 subdivision thereof, or any executive or legislative
5 department, unit, agency, board, commission, or authority of
6 the state, or any political subdivision thereof, or any public
7 corporation, authority, agency, board, commission, or other
8 governmental entity controlled by the state or by any
9 political subdivision of the state.

10 (2) MOTOR FUEL. All grades of gasoline, including
11 gasohol or any gasoline blend, any components used in any
12 gasoline blend, ethanol, number diesel, or any diesel blend,
13 biodiesel, kerosene, all aviation fuels, and any other fuel
14 dispensed from an on-site tank system for the purpose of
15 fueling automobiles.

16 (3) MOTOR FUEL RETAILER. A station or retail
17 establishment that sells motor fuel.

18 (4) RELATED TRANSPORTATION INFRASTRUCTURE. Storage
19 tanks, pipelines, or any related equipment that is necessary
20 to deliver motor fuel or motor fuel components for processing
21 and ultimate delivery of motor fuel to a motor fuel retailer.

22 (b) Except as otherwise provided in this act, and
23 except as otherwise provided by Chapter 17 of Title 40, Code
24 of Alabama 1975, a governmental entity shall not adopt rules,
25 regulations, requirements, ordinances, or resolutions that
26 prohibit or restrict the lawful operation of motor fuel
27 retailers or related transportation infrastructure otherwise

1 complying with state and federal law based solely on the type
2 of motor fuel sold, stored, processed, or delivered.

3 (c) Nothing in this section shall be construed as
4 affecting a governmental entity's authority to do any of the
5 following:

6 (1) Exercise police powers for public safety,
7 including, but not limited to, review and approval of building
8 permits or enforcement of building, fire, or other public
9 safety codes.

10 (2) Exercise police powers for public safety during
11 a state of emergency or natural disaster.

12 (3) Restrict the location of fuel retailers and
13 related transportation infrastructure through zoning
14 regulations, provided the restriction is not based solely on
15 the type of motor fuel utilized by the motor fuel retailer.

16 (4) License or permit a motor fuel retailer or
17 related transportation infrastructure or regulate the use of
18 rights-of-way by a motor fuel retailer or related
19 transportation infrastructure; provided, however, that no
20 license or permit may be denied based solely on the type of
21 motor fuel utilized by the motor fuel retailer or related
22 transportation infrastructure.

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.