

HOUSE BILL 2061

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8 and Title 65, Chapter 15, relative to safety standards for dispensing motor fuel at retail stations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as a new part:

55-8-301.

As used in this part, unless the context otherwise requires:

(1) "Computer-type pump" means a motor fuel dispensing pump that has meters for registering the total sale price and gallons sold, and displays the price per gallon on the dispenser;

(2) "Emergency shut-off" means a device used to stop the flow of motor fuel immediately from a transport truck to a fueling hose;

(3) "Fueling hose" means a hose used to offload motor fuel from a transport truck to a retail station's fuel tank;

(4) "Fuel tank" means a container used by a retail station to store motor fuel for retail sale;

(5) "Motor fuel" means any liquid product used for the generation of power in an internal combustion or turbine engine and includes, but is not necessarily limited to, gasoline, diesel fuel and gasoline-alcohol blends as such terms are defined in title 47, chapter 18, part 13;

(6) "Motor fuel transporter" means a person who transports motor fuel by transport truck;

(7) "Offload" means to deposit motor fuel stored in a transport truck into a retail station's fuel tank;

(8) "Person" means an individual, firm, partnership, association, trustee or corporation;

(9) "Retail station" means any service station, garage, truck stop or other outlet dispensing motor fuel from a container equipped with a computer-type pump that measures the amount of motor fuel passing through it;

(10) "Traffic cone" means a cone-shaped marker, at least eighteen inches (18") in height, used as a warning device to direct traffic away from a certain area; and

(11) "Transport truck" means a semi-trailer combination rig or tank wagon designed or used for the purpose of transporting motor fuel over public highways.

55-8-302.

(a) It is an offense for any motor fuel transporter operating a transport truck to knowingly offload motor fuel into a fuel tank of a retail station while such motor fuel transporter is more than ten feet (10') from, or outside the direct sight of, the transport truck's shut off.

(b) It is an offense for any motor fuel transporter operating a transport truck to knowingly offload motor fuel into a fuel tank of a retail station without displaying at least ten (10) traffic cones surrounding the fueling hose while the fueling hose is in use.

(c) It is an offense for any person operating a retail station or other facility that offers motor fuel for sale to the public from such station or facility to knowingly allow a motor fuel transporter to offload motor fuel into a fuel tank of such retail station or other facility without at least ten (10) traffic cones surrounding each fueling hose while in use.

(d) A violation of this section is a Class A misdemeanor.

55-8-303.

(a) It is an offense for any person to knowingly drive any motor vehicle over a fueling hose at a retail station while a motor fuel transporter is offloading motor fuel when such fueling hose is surrounded with traffic cones in compliance with § 55-8-302.

(b) A violation of this section is a Class C misdemeanor, punishable by fine only.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to all prohibited acts occurring on or after the effective date of this act.