

15102716D

SENATE BILL NO. 778

Offered January 14, 2015

Prefiled December 29, 2014

A BILL to amend and reenact § 59.1-21.18:2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 2.2:1 of Title 59.1 a section numbered 59.1-21.18:5, relating to hauling of motor fuels during times of necessitous circumstances.

Patron—Newman

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-21.18:2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2.2:1 of Title 59.1 a section numbered 59.1-21.18:5 as follows:

§ 59.1-21.18:2. Definitions.

As used in this chapter, unless the context requires otherwise, the following terms and phrases shall have the following meanings:

1. "Petroleum products" shall mean ~~means~~ kerosene and number one and two heating oils;

2. "Supplier" shall mean ~~means~~ any person, partnership, company, corporation or association engaged in the refining and subsequent sale of petroleum products to any distributor in the Commonwealth;

"Director" means the Director of the Department of Mines, Minerals and Energy.

3. "Distributor" shall ~~mean~~ means any distributor, wholesaler, jobber, consignee or commission agent who purchases or otherwise acquires possession of or an interest in petroleum products under a contract of supply in the Commonwealth from a supplier for redistribution or wholesale sale;

"Force majeure" means an act of God or any other cause not reasonably within the control of the supplier.

4. "Monthly allocation" shall ~~mean~~ means the monthly amount of petroleum products sold or otherwise supplied to a distributor under applicable U.S. Department of Energy regulations and rules, or which the supplier may otherwise be allocating to its distributors;

"Necessitous circumstances" means that a condition exists, within or without the Commonwealth, that adversely affects the delivery of motor fuels, gasoline, diesel, kerosene, number one and two heating oils, and liquid propane gas to the citizens of the Commonwealth. "Necessitous circumstances" do not necessarily involve a declared or undeclared state of emergency, disaster, or force majeure within the borders of the Commonwealth.

"Petroleum products" means kerosene and number one and two heating oils.

"Supplier" means any person, partnership, company, corporation or association engaged in the refining and subsequent sale of petroleum products to any distributor in the Commonwealth.

5. "To discontinue" shall ~~mean~~ means the failure or refusal to sell a monthly allocation as defined herein to a distributor for a period of six consecutive months unless such failure or refusal is the direct and proximate result of force majeure;

6. "To reduce" shall ~~mean~~ means the failure or refusal of a supplier to deliver at least ~~seventy-five~~ ~~per centum~~ 75 percent of a monthly allocation to a distributor for a period of two consecutive months unless such failure or refusal is the direct and proximate result of an allocation percentage factor applied by the supplier to all its distributors or force majeure;

7. "Force majeure" means an act of God or any other cause not reasonably within the control of the supplier.

§ 59.1-21.18:5. Suspension of weight limits and driver hour limits during interruption in supplies.

Upon the determination by the Director that there are necessitous circumstances, whether occurring in the Commonwealth or elsewhere, that may interrupt the supply or distribution of motor fuels, gasoline, diesel, kerosene, number one and two heating oils, or liquid propane gas within the Commonwealth, he may temporarily suspend the hour-of-service limitations imposed on the driver of any commercial motor vehicle as defined in § 46.2-341.4 and the weight limits set forth in Article 17 (§ 46.2-1122 et seq.) of Chapter 10 of Title 46.2 for commercial motor vehicles hauling such products. No temporary suspension shall be for more than 30 days; however, a temporary suspension may be renewed by the Director.

INTRODUCED

SB778