

ACT 238

H.B. NO. 2995-74

A Bill for an Act Relating to Disclosure by Liquid Fuel Distributors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that during the 1973-1974 energy crisis, the lack of solid information available concerning the distribution of liquid fuel within the State was appalling. This lack of information led to uncertainties and difficulties in the State's efforts to assess and cope with the energy crisis. The legislature further finds that although the crisis may have abated, the problem of fuel shortages will continue into the future. The State needs to develop and have available pertinent information on liquid fuel distributions in order to be prepared for future contingencies. Such information is vital to the safety, health, and welfare of the people.

It is the purpose of this bill to require information concerning liquid fuel distributions to be made available to the State.

SECTION 2. Chapter 416, Hawaii Revised Statutes, is amended by adding new sections to be appropriately designated and to read as follows:

"Sec. 416- Definitions. Whenever used in sections 416- to 416- :

"Aviation fuel" means and includes all liquid substances of whatever chemical composition usable for the propulsion of airplanes.

"Director" means the director of regulatory agencies.

“Distributor” means and includes:

- (1) Every person who refines, manufactures, produces, or compounds liquid fuel in the State, and sells it at wholesale;
- (2) Every person who imports or causes to be imported into the State any liquid fuel and sells it at wholesale therein; and
- (3) Every person who acquires liquid fuel through exchanges with another distributor.

“Liquid fuel” or “fuel” means and includes all liquids ordinarily, practically, and commercially usable in internal combustion engines for the generation of power and includes liquefied petroleum gases, all distillates of and condensates from petroleum, natural gas, coal, coal tar, and vegetable ferments, such distillates and condensates being ordinarily designated as a gasoline, naphtha, benzol, benzine, and alcohols so usable but not restricted to such designation. All aviation fuel which is sold at wholesale for use in airplanes is deemed to be “liquid fuel” or “fuel” whether or not coming within the definition contained in the foregoing sentence.

“Month” or “calendar month” means each full month of the calendar year.

“Person”, except where the context or sense otherwise requires, means and includes individuals, firms, associations, or corporations.

“Retail dealer” means and includes a person who purchases liquid fuel from a registered distributor, and sells the liquid fuel at retail.

Sec. 416- Distributors to register. Every distributor, and any person before becoming a distributor, shall register as such with the department of regulatory agencies on forms to be prescribed, prepared, and furnished by the department.

Sec. 416- Statements. Each distributor shall on or before the last day of each calendar month, file with the director, on forms prescribed, prepared, and furnished by him, a notarized statement showing separately for each county and for the islands of Lanai and Molokai within which and whereon liquid fuel is sold or used during the last preceding month of the calendar year, the following:

- (1) The total number of gallons of liquid fuel refined, manufactured, or compounded by the distributor within the State and sold or used by him, and if for ultimate use in another county or on either island, the name of that county or island;
- (2) The total number of gallons of liquid fuel imported by him or sold or used by him, and if for ultimate use in another county or on either island, the name of that county or island;
- (3) The total number of gallons of fuel sold as liquid fuel, aviation fuel, diesel fuel, and such other types of fuel as required by the director; and
- (4) The total number of gallons of liquid fuel and the types thereof sold to: federal, state, and county agencies, ships stores, or base exchanges, commercial agricultural accounts, commercial nonagricultural accounts, retail dealers, and such other customers as required by the director.

All statements submitted to the department of regulatory agencies under this section shall be a public record.

Sec. 416- Failure to register; to make and file statements; making false statement unlawful; penalty. It shall be unlawful for any distributor, or any other person, to fail, neglect, or refuse to register or to make and file any statement required by section 416- in the manner or within the time therein provided or to make any such statement which is false in any particular. Any distributor or any other person violating the requirements of this section, or sections 416- and 416- shall be fined not more than \$5,000.”

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 14, 1974.)

*Edited accordingly.