

ACT 65

H.B. NO. 2535-80

A Bill for an Act Relating to Disclosure by Fuel Importers, Manufacturers, Distributors, and Exporters.

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

SECTION 1. Findings and purpose. The legislature finds that accurate information concerning the availability of fuel within the State is of vital importance to the safety, health, and welfare of the people because the lack of such information can lead to uncertainties and difficulties in the State's efforts to plan for assured energy supplies as well as to assess and cope with fuel shortages and contingencies dealing with energy supply and demand.

It is the purpose of this Act to require a disclosure of fuel movements into, out of, and within the State in order to obtain accurate and current data for energy planning and management actions on the part of the State.

SECTION 2. Chapter 486E, Hawaii Revised Statutes, is amended to read:

**“CHAPTER 486E
FUEL DISTRIBUTION**

Sec. 486E-1 Definitions. Whenever used in sections 486E-2 to 486E-4:

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

“Director” means the director of planning and economic development.

“Distributor” means and includes:

- (1) Every person who refines, manufactures, produces, or compounds fuel in the State, and sells it at wholesale or at retail, or who utilizes it directly in the manufacture of products or for the generation of power;
- (2) Every person who imports or causes to be imported into the State or exports or causes to be exported from the State, any fuel; and
- (3) Every person who acquires fuel through exchanges with another distributor.

“Fuel” means and includes fuels whether liquid, solid, or gaseous, commercially usable for energy needs, power generation, and fuels manufacture, which may

be manufactured, grown, produced, or imported into the State or which may be exported therefrom; including petroleum and petroleum products and gases, coal, coal tar, vegetable ferments, and all fuel alcohols.

“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.

Sec. 486E-2 Distributors to register. Every distributor, and any person before becoming a distributor, shall register as such with the department of planning and economic development on forms to be prescribed, prepared, and furnished by the department.

Sec. 486E-3 Statements. Each distributor shall, at such reporting dates as the director may establish, file with the director, on forms prescribed, prepared, and furnished by him, a certified statement showing separately for each county and for the islands of Lanai and Molokai within which and whereon fuel is sold or used during the last preceding reporting period, the following:

- (1) The total number of gallons or units of 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 another island, the name of that county or island;
- (2) The total number of gallons or units of fuel imported or exported by him or sold or used by him, and if for ultimate use in another county or on another island, the name of that county or island;
- (3) The total number of gallons or units 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 or units of 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.

In addition to the above reporting, each distributor shall file with the director, Federal Form FEO-1000 or an equivalent state form to be prescribed, prepared, and furnished by the director, showing the expected supply of fuel products for the coming month, and their intended distribution as categorized by Form FEO-1000 or the equivalent state form. The state form shall be supplied in the event that the Federal Mandatory Petroleum Allocation Regulations should expire, be revoked, or be amended to delete or substantially change the reporting requirements provided therein.

All statements submitted to the director under this section shall be held confidential.

Sec. 486E-4 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 486E-3 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 486E-2 and 486E-3 shall be fined not more than \$5,000.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved May 17, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.