

1 SB182
2 216970-2
3 By Senator Livingston
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 03-FEB-22

1 SB182

2
3
4 ENROLLED, An Act,

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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 (1) GOVERNMENTAL ENTITY. The state or any political
13 subdivision thereof, or any executive or legislative
14 department, unit, agency, board, commission, or authority of
15 the state, or any political subdivision thereof, or any public
16 corporation, authority, agency, board, commission, or other
17 governmental entity controlled by the state or by any
18 political subdivision of the state.

19 (2) MOTOR FUEL. All grades of gasoline, including
20 gasohol or any gasoline blend, any components used in any
21 gasoline blend, ethanol, number diesel, or any diesel blend,
22 biodiesel, kerosene, all aviation fuels, and any other fuel
23 dispensed from an on-site tank system for the purpose of
24 fueling automobiles.

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

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

7 (b) Except as otherwise provided in this act, and
8 except as otherwise provided by Chapter 17 of Title 40, Code
9 of Alabama 1975, a governmental entity shall not adopt rules,
10 regulations, requirements, ordinances, or resolutions that
11 prohibit or restrict the lawful operation of motor fuel
12 retailers or related transportation infrastructure otherwise
13 complying with state and federal law based solely on the type
14 of motor fuel sold, stored, processed, or delivered.

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

18 (1) Exercise police powers for public safety,
19 including, but not limited to, review and approval of building
20 permits or enforcement of building, fire, or other public
21 safety codes.

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

24 (3) Restrict the location of fuel retailers and
25 related transportation infrastructure through zoning

1 regulations, provided the restriction is not based solely on
2 the type of motor fuel utilized by the motor fuel retailer.

3 (4) License or permit a motor fuel retailer or
4 related transportation infrastructure or regulate the use of
5 rights-of-way by a motor fuel retailer or related
6 transportation infrastructure; provided, however, that no
7 license or permit may be denied based solely on the type of
8 motor fuel utilized by the motor fuel retailer or related
9 transportation infrastructure.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB182

Senate 09-MAR-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 05-APR-22

By: Senator Livingston