

1 SB305
2 218220-2
3 By Senator Elliott
4 RFD: Transportation and Energy
5 First Read: 09-MAR-22

1 SB305

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4 ENROLLED, An Act,

5 Relating to utilities; to provide certain
6 requirements on the use of portable electrical generators; to
7 provide criminal penalties for a violation; and in connection
8 therewith would have as its purpose or effect the requirement
9 of a new or increased expenditure of local funds within the
10 meaning of Amendment 621 of the Constitution of Alabama of
11 1901, as amended by Amendment 890, now appearing as Section
12 111.05 of the Official Recompilation of the Constitution of
13 Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) The Legislature finds and declares
16 the following:

17 (1) It is the intent of the Legislature in enacting
18 this section to prevent electricity generated by permanent or
19 portable electric generators used by persons from back-feeding
20 into an electrical distribution system causing possible bodily
21 injury and harm, including death, and property damage.

22 (2) The Legislature finds that every year in the
23 State of Alabama the use of permanent or portable electric
24 generators to supply power, unless appropriate safeguards are
25 used, creates extremely hazardous conditions from back-feeding

1 electric current onto electrical distribution systems of the
2 electric supplier, as defined under Section 37-14-31, Code of
3 Alabama 1975, to which the homes or businesses are connecting,
4 causing death, bodily injury, and property damage.

5 (3) The Legislature further finds that the dangers
6 created by such portable or permanent generators may be
7 mitigated for the benefit of all, including the owner of the
8 electric generator, by enacting certain safety standards to
9 mitigate the possible bodily injury, death, or property
10 damage.

11 (b) In order to prevent back-feeding electricity
12 onto the electric distribution system of the electric
13 supplier, a portable electric generator that is capable of
14 being connected directly into the electrical system of a
15 commercial, industrial, or residential structure may only be
16 connected and used if the structure's electrical system and
17 the electricity generated by the generator are isolated, at
18 the main breaker panel of the structure, from the electrical
19 distribution system.

20 (c) (1) This section does not apply to any electric
21 generator that is capable of being permanently connected to
22 the electrical system of a commercial, industrial, or
23 residential structure by way of a transfer switch or other
24 mechanism, as approved by the applicable electric supplier, so
25 that the electricity generated by the generator is prevented

1 from back-feeding onto the electric distribution system of the
2 electric supplier, except as authorized by the applicable
3 electric supplier.

4 (2) This section does not apply to a permanently
5 connected generator that runs in parallel with the electric
6 distribution system of an electric supplier or the electrical
7 system of a structure and is approved by the applicable
8 electric supplier.

9 (3) This section does not apply to a permanently
10 connected energy storage system that receives energy from a
11 generator or the applicable electric supplier, is capable of
12 running in parallel with the electric distribution system of
13 the electric supplier or the electrical system of a structure,
14 and is approved by the applicable electric supplier.

15 (d) A person who violates this section shall be
16 guilty of a Class C misdemeanor.

17 (e) (1) As used in this section, the term "electric
18 supplier" has the same meaning as provided under Section
19 37-14-31, Code of Alabama 1975.

20 (2) As used in this section, the term "generator"
21 means a facility owned and operated by a customer of an
22 electric supplier for the production of electrical energy,
23 that is capable of transmitting electrical energy to the
24 electric distribution system of the electric supplier at any

1 time, and that is intended primarily to offset part or all of
2 the customer's requirements for electricity.

3 (f) Nothing in this act affects or modifies the
4 jurisdiction of the Alabama Public Service Commission or any
5 rates or service regulations filed with the commission.

6 Section 2. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621, as amended
10 by Amendment 890, now appearing as Section 111.05 of the
11 Official Recompilation of the Constitution of Alabama of 1901,
12 as amended, because the bill defines a new crime or amends the
13 definition of an existing crime.

14 Section 3. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB305

Senate 29-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 Elliott