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BILL ANALYSIS



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Senate Bill 927 (Substitute S-1 as reported)
Senate Bill 928 (Substitute S-2 as reported)
Sponsor: Senator Jason E. Allen
Committee: Economic Development, Small Business and Regulatory Reform

CONTENT

Senate Bill 927 (S-1) would amend Public Act 241 of 1959, which governs the handling of liquefied petroleum gas containers, to provide that an individual transferring liquefied petroleum or carbonic gas (LPG), or any other gas or compound, out of or into a stationary LPG container would have to comply with any rules promulgated by the Department of Environmental Quality under Section 3c(2) of the Fire Prevention Code. (That section requires the State Fire Safety Board to promulgate rules for the storage, transportation, and handling of liquefied petroleum gas.)

Section 2(1) of the Act prohibits a person from filling or refilling an LPG container with liquefied petroleum gas or carbonic gas, or any other gas or compound, unless he or she is the container owner or has the owner's written authorization. Under the bill, except as provided above, a person could not transfer liquefied petroleum or carbonic gas, or any other gas or compound, out of or into a stationary LPG container without the written authorization of the container owner.

The Act also prohibits a person from buying, selling, giving, taking, loaning, delivering, permitting to be delivered, or otherwise disposing of or trafficking in LPG containers unless the surface of the containers is legibly marked with the owner's name, initials, mark, or other device. The bill would delete reference to buying unmarked containers or permitting them to be delivered. The bill also would refer to "stationary" containers.

Senate Bill 928 (S-2) would amend Public Act 241 of 1959 to allow a person to bring a civil action for damages or equitable relief against a person who violated Section 2(1) of the Act. In an action for damages, the person could recover actual damages or \$2,000, whichever was greater, for each violation, as well as costs and reasonable attorney fees.

Also, under the bill, a person bringing an action to collect payment for transferring liquefied petroleum or carbonic gas into or out of a stationary LPG container would have to allege and prove that he or she complied with Section 2(1) in order to prevail in the action.

MCL 429.112 (S.B. 927)
429.113 (S.B. 928)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 927 (S-1) would have an indeterminate fiscal impact on State and local government. A violation of the Act is a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$500. There are no data to indicate how many offenders are convicted of violating the Act. To the extent that the bill would result in more

convictions, local governments would incur increased costs of incarceration, which vary by county. Additional penal fine revenue would benefit public libraries.

Senate Bill 928 (S-2) would have a minimal impact on court costs.

Date Completed: 4-5-06

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.