



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 927 and 928 (as introduced 12-8-05)

Sponsor: Senator Jason E. Allen

Committee: Economic Development, Small Business and Regulatory Reform

Date Completed: 3-28-06

CONTENT

The bills would amend Public Act 241 of 1959, which governs the handling of liquefied petroleum gas containers, to do the following:

- Prohibit an untrained person from transferring any gas or compound out of or into a stationary liquefied petroleum or carbonic gas container.**
- Revise current prohibitions against filling or refilling such a container without the container owner's authorization; buying, selling, or delivering an unmarked container; or defacing, removing, or concealing a name or device on a container.**
- Allow a person to bring a civil action against someone who transferred gas or a compound into or out of a container without the owner's authorization.**
- Prohibit a person from maintaining a civil action to collect payment for transferring gas without proving that the person did not violate the requirement for the owner's authorization.**

The bills would take effect on July 1, 2006, and are tie-barred to each other.

Senate Bill 927

The bill would prohibit an individual from transferring liquefied petroleum or carbonic gas, or any other gas or compound, out of or into a stationary liquefied petroleum or carbonic gas container unless he or she were trained in proper handling and operating procedures in accordance with rules promulgated by the Department of Environmental Quality.

The Act prohibits a person from filling or refilling a liquefied petroleum gas or carbonic gas 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, the prohibition would apply to transferring gas or a compound into or out of a container, rather than filling or refilling a container.

The Act also prohibits a person from buying, selling, offering for sale, giving, taking, loaning, delivering, permitting to be delivered, or otherwise disposing of or trafficking in liquefied petroleum or carbonic gas 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.

In addition, the Act prohibits a person from defacing, erasing, obliterating, covering up, or otherwise removing or concealing any name, mark, initial, or device on a liquefied

petroleum or carbonic gas container unless the person is the owner or has the owner's written authorization.

The bill would refer to a "stationary" liquefied petroleum or carbonic gas container in these provisions.

Senate Bill 928

The bill would allow a person to bring a civil action for damages or equitable relief against a person who violated the prohibition against transferring gas or a compound into or out of a liquefied petroleum or carbonic gas container without the written authorization of the container owner. In an action for damages, the person could recover actual damages or \$2,000, whichever was greater, as well as costs and reasonable attorney fees.

The bill also would prohibit a person from bringing or maintaining an action to collect payment for transferring liquefied petroleum or carbonic gas into or out of a stationary liquefied petroleum or carbonic gas container without alleging and proving that the person did not violate the prohibition against transferring gas or a compound into or out of a container without the owner's written authorization.

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

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 927

The bill 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

The bill would have a minimal impact on court costs.

Fiscal Analyst: Lindsey Hollander
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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.