

SENATE BILL No. 928

December 8, 2005, Introduced by Senator ALLEN and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1959 PA 241, entitled

"An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,"

by amending section 3 (MCL 429.113).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~Any~~ A person ~~who shall fail to comply with any~~
2 ~~of the foregoing provisions of this act shall be deemed~~ **THAT**
3 **VIOLATES THIS ACT IS** guilty of a misdemeanor. Each container
4 possessed ~~shall be considered~~ **IN VIOLATION OF THIS ACT IS** a
5 separate offense.

6 (2) **A PERSON MAY BRING A CIVIL ACTION AGAINST A PERSON THAT**
7 **VIOLATES SECTION 2(1) FOR DAMAGES OR EQUITABLE RELIEF. IN AN**

1 ACTION FOR DAMAGES, THE PERSON MAY RECOVER ACTUAL DAMAGES OR
2 \$2,000.00, WHICHEVER IS GREATER, AND COSTS AND REASONABLE ATTORNEY
3 FEES.

4 (3) A PERSON SHALL NOT BRING OR MAINTAIN AN ACTION IN A COURT
5 IN THIS STATE TO COLLECT PAYMENT FOR TRANSFERRING LIQUEFIED
6 PETROLEUM OR CARBONIC GAS INTO OR OUT OF A STATIONARY LIQUEFIED
7 PETROLEUM OR CARBONIC GAS CONTAINER WITHOUT ALLEGING AND PROVING
8 THAT THE PERSON DID NOT VIOLATE SECTION 2(1) IN THE TRANSFER OF THE
9 GAS.

10 Enacting section 1. This amendatory act takes effect July 1,
11 2006.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. 927

14 of the 93rd Legislature is enacted into law.