

SENATE BILL NO. 1298

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Commerce and Labor

on \_\_\_\_\_)

(Patron Prior to Substitute--Senator Deeds)

A BILL to amend and reenact §§ 18.2-493, 18.2-494, and 18.2-495 of the Code of Virginia, relating to filling, refilling, or otherwise delivering of liquefied petroleum gas during a qualifying emergency.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-493, 18.2-494, and 18.2-495 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-493. Definitions.**

As used in this article, unless the text indicates otherwise context requires a different meaning:

~~(a) "Person" shall mean any person, firm or corporation.~~

~~(b) "Owner" shall mean any person who holds a written bill of sale under which title or ownership to a container was transferred to such person, or any manufacturer of a container who has not sold or transferred ownership thereof by written bill of sale.~~

~~(c) "Liquefied petroleum gas" shall mean means any material ~~which~~ that is composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and isobutane) and butylenes.~~

"Owner" means any person who holds a written bill of sale under which title or ownership to a container was transferred to such person, or any manufacturer of a container who has not sold or transferred ownership thereof by written bill of sale.

"Person" means any person, firm or corporation.

"Qualifying emergency" means (i) a state of emergency as declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44; (ii) a local emergency as declared by the local director of emergency management with the consent of the governing body of the political subdivision pursuant to §

27 44-146.21; (iii) a state of emergency as declared by the President of the United States; (iv) when severe  
28 weather or other similar circumstances exist that may result in a person being placed in imminent danger  
29 of death or injury or may result in a building or its fixtures being at risk of significant damage due to lack  
30 of heat caused by the lack of sufficient liquefied petroleum gas to produce such heat; or (v) when a waiver  
31 from delivery limitations affecting the delivery of liquefied petroleum gas has been ordered.

32 **§ 18.2-494. Unlawful use of, filling or refilling, or trafficking in containers.**

33 ~~No~~ A. Unless a qualifying emergency is in effect, no person except the owner thereof or person  
34 authorized in writing by the owner shall fill or refill with liquefied petroleum gas, or any other gas or  
35 compound, a liquefied petroleum gas container; or buy, sell, offer for sale, give, take, loan, deliver, or  
36 permit to be delivered, or otherwise use, dispose of, or traffic in a liquefied petroleum gas container or  
37 containers if the container bears upon the surface thereof in plainly legible characters the name, initials,  
38 mark, or other device of the owner; nor, nor shall any person other than the owner of a liquefied petroleum  
39 gas container or a person authorized in writing by the owner deface, erase, obliterate, cover up, or  
40 otherwise remove or conceal any name, mark, initial, or device thereon.

41 B. When a qualifying emergency is in effect, a residential customer who can demonstrate that he  
42 has less than a 24-hour supply of liquefied petroleum gas shall first make a good faith effort to procure  
43 delivery of liquefied petroleum gas from the owner of the liquefied petroleum gas container. If the owner  
44 of the liquefied petroleum gas container or other person authorized in writing by the owner is unable to  
45 make a scheduled delivery or fulfill the residential customer's good faith request within 24 hours, the  
46 customer may have an emergency supplier fill, refill, or otherwise deliver liquefied petroleum gas into the  
47 customer's liquefied petroleum gas container, provided that the emergency supplier ensures that such  
48 liquefied petroleum gas container, and the devices and pipelines operated in connection with such  
49 container, have been inspected and certified as required by law. Within five business days of filling,  
50 refilling, or otherwise delivering liquefied petroleum gas to the customer's container, the emergency  
51 supplier shall give written notice to the owner of the liquefied petroleum gas container that includes (i)  
52 the name and address of the customer; (ii) the date of the filling, refilling, or delivery; and (iii) the amount  
53 of liquefied petroleum gas that was placed in the customer's container. The emergency supplier shall

54 assume all responsibility and liability for injury to persons or property related to the emergency refilling  
55 of the liquefied petroleum gas container.

56 When an emergency supplier delivers liquefied petroleum gas to a residential customer pursuant  
57 to this subsection, neither such emergency supplier nor the owner of the liquefied petroleum gas container  
58 may charge any penalty or fee in addition to the filling, refilling, or delivery fees that are usually charged  
59 to other customers in the course of business during a nonemergency.

60 **§ 18.2-495. Presumptive evidence.**

61 The use of a liquefied petroleum gas container or containers by any person other than the person  
62 whose name, mark, initial, or device is on the liquefied petroleum gas container or containers, without  
63 written consent, or purchase of the marked and distinguished liquefied petroleum gas container for the  
64 sale of liquefied petroleum gas or filling or refilling with liquefied petroleum gas, or possession of the  
65 liquefied petroleum gas containers by any person other than the person having his name, mark, initial, or  
66 other device thereon, without the written consent of such owner, is presumptive evidence of the unlawful  
67 use of, filling or refilling of, or trafficking in-~~of~~ such liquefied petroleum gas containers.

68 The provisions of this section shall not apply to the filling, refilling, or otherwise delivering of  
69 liquefied petroleum gas into a liquefied petroleum gas container when such filling, refilling, or otherwise  
70 delivering of liquefied petroleum gas is done in accordance with subsection B of § 18.2-494.

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