

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 618

Session of  
1987

INTRODUCED BY NAHILL, ITKIN, VROON, J. L. WRIGHT, FOX, MICOZZIE,  
BELFANTI, TRELLO, HERMAN, FARGO, ANGSTADT, FLICK, ROBBINS,  
McHALE, BUNT, JACKSON, CIVERA, ARTY, CORNELL, REBER, HUGHES,  
E. Z. TAYLOR, KASUNIC, SAURMAN, CAWLEY, PRESTON AND PETRARCA,  
MARCH 3, 1987

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 26, 1987

## AN ACT

1 ~~Amending the act of April 27, 1927 (P.L.450, No.291), entitled,~~ <—  
2 ~~as amended, "An act relating to fires and fire prevention;~~  
3 ~~imposing duties and conferring powers upon the Pennsylvania~~  
4 ~~State Police; authorizing the appointment of the chiefs of~~  
5 ~~fire departments and certain public officers and others as~~  
6 ~~assistants to the Pennsylvania State Police, and defining~~  
7 ~~their powers and duties; providing for the investigation of~~  
8 ~~the cause, origin, and circumstance of fires and the~~  
9 ~~inspection of all, and the removal or change of, certain~~  
10 ~~buildings by owners and occupants thereof, including~~  
11 ~~political subdivisions; imposing duties on school authorities~~  
12 ~~and on certain corporations, associations, and fire rating~~  
13 ~~agencies; providing for the attendance of witnesses before~~  
14 ~~the Pennsylvania State Police, and the enforcement of its~~  
15 ~~orders; and prescribing penalties," further providing for the~~  
16 ~~distribution and storage of kerosene.~~

1 REQUIRING THAT TRUCKS DELIVERING GASOLINE, DIESEL FUEL OR <—  
2 KEROSENE AND STORAGE TANKS RECEIVING SUCH FUELS BE EQUIPPED  
3 WITH CERTAIN DEVICES; AND PROVIDING PENALTIES.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 ~~Section 1. The act of April 27, 1927 (P.L.450, No.291),~~ <—  
7 ~~referred to as the State Fire Marshal Law, is amended by adding~~  
8 ~~a section to read:~~

~~Section 1.1. The storage tanks of all dispensers of kerosene shall be equipped with an intake nozzle or valve which is smaller than any nozzle or valve used for the delivery of any type of gasoline. The Commissioner of the Pennsylvania State Police shall adopt appropriate regulations to implement and enforce this section.~~

~~Section 2. This act shall take effect 120 days from the date of final enactment.~~

SECTION 1. TRUCKS DELIVERING GASOLINE, DIESEL FUEL OR KEROSENE. <—

A TRUCK WHICH DELIVERS GASOLINE, DIESEL FUEL OR KEROSENE TO A RETAIL SERVICE STATION SHALL BE SO EQUIPPED THAT THE NOZZLE ON THE HOSE THROUGH WHICH THE GASOLINE, DIESEL FUEL OR KEROSENE IS TRANSFERRED FROM THE TRUCK INTO THE STORAGE TANK IS, FOR EACH TYPE OF FUEL, OF A SIZE OR DESIGN THAT WILL PERMIT ONLY GASOLINE, DIESEL FUEL OR KEROSENE TO BE TRANSFERRED INTO THE STORAGE TANK AND WILL PREVENT THE TRANSFER OF EITHER OF THE OTHER TYPES OF FUEL INTO THE STORAGE TANK.

SECTION 2. STORAGE TANKS AT RETAIL SERVICE STATIONS.

THE RECEIVING PIPES ON TANKS USED BY RETAIL SERVICE STATIONS FOR THE STORAGE OF GASOLINE, DIESEL FUEL OR KEROSENE SHALL BE EQUIPPED WITH SUCH ADAPTORS AS MAY BE NECESSARY TO ENSURE THAT A STORAGE TANK WILL ACCEPT ONLY GASOLINE, DIESEL FUEL OR KEROSENE FROM THE TRUCK DELIVERING THE FUEL, AND WILL PREVENT THE ACCEPTANCE OF EITHER OF THE OTHER TYPES OF FUEL.

SECTION 3. RULES AND REGULATIONS.

THE PENNSYLVANIA STATE POLICE SHALL ADOPT REGULATIONS SPECIFYING THE TYPES OF NOZZLES FOR HOSES AND ADAPTORS FOR FUEL STORAGE TANKS WHICH WILL COMPLY WITH THE PROVISIONS OF THIS ACT. IF IT IS DETERMINED BY THE PENNSYLVANIA STATE POLICE THAT THE PURPOSE OF THIS ACT, THAT BEING TO PREVENT A TYPE OF FUEL FROM

1 ENTERING THE WRONG STORAGE TANK, CAN BE ACCOMPLISHED SOLELY BY  
2 DEVICES ON TRUCKS DELIVERING GASOLINE, DIESEL FUEL OR KEROSENE,  
3 OR SOLELY BY DEVICES ON STORAGE TANKS RECEIVING SUCH FUELS, THE  
4 PENNSYLVANIA STATE POLICE MAY, BY REGULATION, SO LIMIT THE  
5 APPLICATION OF THIS ACT.

6 SECTION 4. PENALTY.

7 A PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF THIS ACT  
8 COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, FOR THE  
9 FIRST OFFENSE BE SENTENCED TO PAY A FINE NOT EXCEEDING \$100 AND  
10 FOR A SECOND AND EACH SUBSEQUENT OFFENSE BE SENTENCED TO PAY A  
11 FINE NOT EXCEEDING \$300. EACH DELIVERY OR ACCEPTANCE OF A FUEL  
12 INTO A STORAGE TANK WITHOUT A NOZZLE OR ADAPTOR AS REQUIRED BY  
13 THIS ACT OR BY REGULATIONS PROMULGATED UNDER THIS ACT  
14 CONSTITUTES A SEPARATE OFFENSE.

15 SECTION 5. EFFECTIVE DATE.

16 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

17 (1) SECTION 3 OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

18 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY  
19 1, 1988.