

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 149 Session of
1991

INTRODUCED BY PESCI, ITKIN, TRELLO, COHEN, COLAIZZO, STEELMAN,
DALEY, BILLOW, CIVERA, OLASZ, PISTELLA, BISHOP AND SERAFINI,
JANUARY 29, 1991

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 22, 1992

AN ACT

1 Amending the act of May 11, 1949 (P.L.1116, No.330), entitled,
2 as amended "An act to regulate deliveries of light fuel oil
3 to domestic consumers; conferring powers and imposing duties
4 on the Department of Justice and the inspectors of weights
5 and measures of the several counties and cities; and
6 prescribing penalties," specifying information to be included
7 on delivery tickets furnished to consumers; and further
8 providing for penalties.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2 of the act of May 11, 1949 (P.L.1116,
12 No.330), entitled, as amended "An act to regulate deliveries of
13 light fuel oil to domestic consumers; conferring powers and
14 imposing duties on the Department of Justice and the inspectors
15 of weights and measures of the several counties and cities; and
16 prescribing penalties," amended September 29, 1959 (P.L.992,
17 No.406), is amended to read:

18 Section 2. Meter Required.--(a) No person shall deliver
19 light fuel oils to any domestic consumer unless the vehicle by
20 which such light fuel oils are delivered is equipped with a

1 meter of a type capable of furnishing a printed delivery ticket
2 approved under provisions of the act, approved the fifth day of
3 May, one thousand nine hundred twenty-one (Pamphlet Laws 389),
4 as amended, entitled "An act to regulate and control the
5 manufacture, sale, offering for sale, giving away, and use of
6 weights and measures and of weighing and measuring devices in
7 the Commonwealth of Pennsylvania; providing for the approval and
8 disapproval of such weights, measures, and devices by the Bureau
9 of Standards; and prescribing penalties." Each meter printed
10 delivery ticket shall bear a printed nonrepetitive serial
11 number. All deliveries of light fuel oil to such consumers shall
12 be made by the use of such a meter and a meter printed delivery
13 ticket rendered the customer at the time of delivery or with the
14 invoice. The seller or deliverer shall maintain the receipts in <—
15 numerical order for two years FOR TWO YEARS IN AN ORDERLY AND <—
16 RETRIEVABLE MANNER.

17 (b) The delivery tickets required under subsection (a) shall
18 be of a type approved by the Department of Agriculture and shall
19 include the following information:

20 (1) The vendor's name and address.

21 (2) The date of delivery.

22 (3) The purchaser's name and address.

23 (4) Product identification.

24 (5) The driver's signature or employe number.

25 (6) The delivering vehicle's PERMANENTLY assigned company <—
26 truck number. printed on the exterior surface of the vehicle. <—

27 (7) The price per gallon.

28 (8) The volume in terms of gallons, to the nearest one-tenth
29 of a gallon.

30 Section 2. Section 5 of the act, amended December 18, 1968

1 (P.L.1240, No.391), is amended to read:

2 Section 5. Enforcement of Act, Rules and Regulations.--It
3 shall be the duty of the department and the inspectors of
4 weights and measures of the several counties and cities to
5 enforce the provisions of this act.

6 The [Attorney General] secretary shall have power to adopt
7 and promulgate such rules and regulations not inconsistent with
8 the provisions of this act as may be deemed necessary to carry
9 into effect the intent and purpose of this act.

10 Section 3. Section 6 of the act is amended to read:

11 Section 6. Penalties.--[Any person violating any of the
12 provisions of this act shall, upon summary conviction before a
13 magistrate, be sentenced, for the first offense, to pay a fine
14 of not less than twenty-five dollars (\$25.00) nor more than
15 fifty dollars (\$50.00) and costs of prosecution, and, in default
16 of payment thereof, shall undergo imprisonment for ten (10)
17 days; and for the second offense, be sentenced to pay a fine of
18 not less than fifty dollars (\$50.00) nor more than one hundred
19 dollars (\$100.00) and costs of prosecution, and, in default of
20 payment thereof, shall undergo imprisonment for twenty (20)
21 days; and for the third offense, shall be sentenced to pay a
22 fine of not less than one hundred dollars (\$100.00) nor more
23 than two hundred dollars (\$200.00) and costs of prosecution,
24 and, in default of the payment thereof, shall undergo
25 imprisonment for thirty (30) days.

26 Any person violating any of the provisions of this act for a
27 fourth or subsequent offense shall be guilty of a misdemeanor,
28 and, upon conviction thereof, shall be sentenced to pay a fine
29 of not less than one hundred dollars (\$100.00) nor more than
30 three hundred dollars (\$300.00), or suffer imprisonment for not

1 more than sixty (60) days, or both.] (a) Any person who by
2 himself or by his servant or agent violates any of the
3 provisions of this section is guilty of a summary offense when
4 the offense is a first, second or third offense. The sentencing
5 court shall order the person to pay a fine of (i) not less than
6 one hundred dollars (\$100.00), (ii) not less than two hundred
7 dollars (\$200.00) if the person has previously been convicted of
8 an offense under this section, or (iii) not less than three
9 hundred dollars (\$300.00) if the person has twice previously
10 been convicted of an offense under this section.

11 (b) Any person who by himself or by his servant or agent
12 violates any of the provisions of this section is guilty of a
13 misdemeanor of the third degree when the offense is a fourth or
14 subsequent offense. The sentencing court shall order the person
15 to pay a minimum fine of five hundred dollars (\$500.00).

16 Section 4. This act shall take effect as follows:

17 (1) The amendment of section 2 of the act shall take
18 effect in 180 days or upon acquisition of newly printed
19 delivery tickets.

20 (2) Section 4 shall take effect immediately.

21 (3) The remainder of this act shall take effect in 90
22 days.