

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2223 Session of
1990

INTRODUCED BY MAINE, ITKIN, GIGLIOTTI, BISHOP, PESCI, MELIO,
TRELLO, BOWLEY, MORRIS, LAUGHLIN AND CAPPABIANCA,
JANUARY 22, 1990

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JANUARY 22, 1990

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.

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

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

20 (2) The date of delivery.

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

22 (4) Product identification.

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

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

26 (7) The price per gallon.

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

29 Section 2. Section 5 of the act, amended December 18, 1968
30 (P.L.1240, No.391), is amended to read:

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

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

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

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

25 Any person violating any of the provisions of this act for a
26 fourth or subsequent offense shall be guilty of a misdemeanor,
27 and, upon conviction thereof, shall be sentenced to pay a fine
28 of not less than one hundred dollars (\$100.00) nor more than
29 three hundred dollars (\$300.00), or suffer imprisonment for not
30 more than sixty (60) days, or both.] (a) Any person who by

1 himself or by his servant or agent violates any of the
2 provisions of this section is guilty of a summary offense when
3 the offense is a first, second or third offense. The sentencing
4 court shall order the person to pay a fine of (i) not less than
5 \$100, (ii) not less than \$200 if the person has previously been
6 convicted of an offense under this section, or (iii) not less
7 than \$300 if the person has twice previously been convicted of
8 an offense under this section.

9 (b) Any person who by himself or by his servant or agent
10 violates any of the provisions of this section is guilty of a
11 misdemeanor of the third degree when the offense is a fourth or
12 subsequent offense. The sentencing court shall order the person
13 to pay a minimum fine of \$500.

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

15 (1) Section 1 (section 2) shall take effect in 180 days
16 or upon acquisition of newly printed delivery tickets.

17 (2) The remainder of this act shall take effect in 90
18 days.