
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 350 Session of
1989

INTRODUCED BY STAIRS, FOX, CAWLEY, KUKOVICH, DALEY, FARGO,
McHALE, J. L. WRIGHT, VAN HORNE, BARLEY, CORNELL, TRELLO,
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PETRARCA, VEON, MICHLOVIC, OLIVER, BELARDI, BELFANTI AND
CIVERA, FEBRUARY 8, 1989

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 8, 1989

AN ACT

1 Providing for the regulation of portable kerosene-fueled
2 heaters.

3 The General Assembly declares that only safety-tested and
4 listed portable kerosene-fueled heaters should be offered for
5 sale, sold and used in this Commonwealth. Fire hazards and other
6 dangers to the health, safety and welfare of the citizens of
7 this Commonwealth exist in the absence of legislation designed
8 to ensure that portable kerosene-fueled heaters offered for sale
9 to, sold to and used by Pennsylvanians are safety-tested and
10 listed. It is the intent of the General Assembly to hereinafter
11 set forth such legislation.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Short title.

15 This act shall be known and may be cited as the Kerosene
16 Heater Safety Act.

1 Section 2. Definitions.

2 The following words and phrases when used in this act shall
3 have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Department." The Department of Labor and Industry of the
6 Commonwealth.

7 "Kerosene heater" or "heater." Any portable, nonflue-
8 connected, self-contained, self-supporting, kerosene-fueled
9 heating appliance equipped with an integral reservoir, designed
10 to be carried from one location to another, but excluding any
11 heater designed to be used solely for agricultural purposes.

12 "Listed." Any kerosene heater which has been evaluated and
13 approved, with respect to reasonably foreseeable hazards to life
14 and property, by Underwriter's Laboratory or such other testing
15 laboratories as approved by the Industrial Board of the
16 department. Such heater shall be authorized by the department,
17 shown in a list published by the department and bear the mark of
18 the department as an indication that it has been so authorized.

19 Section 3. Duties of Department of Labor and Industry.

20 (a) Departments of Labor and Industry and Agriculture.--The
21 Department of Labor and Industry shall administrate and enforce
22 this act, except for section 6, the enforcement of which shall
23 be the responsibility of the Department of Agriculture. The
24 Department of Agriculture, in enforcing section 6, shall have
25 the authority to recommend the institution of penalties in
26 accordance with section 7.

27 (b) Rules and regulations.--The Department of Labor and
28 Industry shall promulgate the rules and regulations necessary to
29 carry out this act and to prescribe means, methods and practices
30 to enforce such rules and regulations.

1 (c) Inspections.--All places where kerosene heaters are
2 offered for sale or lease, or where there is possession with
3 intent to sell or lease, shall be subject to inspection by
4 authorized representatives of the department to ascertain
5 whether the requirements of this act and of regulations of the
6 department have been met.

7 (d) Samples for evidence.--The department, through its
8 officers and employees, is hereby empowered to take samples of
9 materials under the authority of this act and to hold for
10 evidence at a trial for the violation of this act any kerosene
11 heater offered for sale or lease in violation of this act.

12 (e) Removal from sale.--Properly accredited representatives
13 of the department shall have the authority to remove from sale
14 any kerosene heater which is offered for sale or lease, or found
15 in the possession of any person with intent to sell or lease in
16 violation of any of the provisions of law herein set forth. When
17 kerosene heaters are removed from sale, they shall be so tagged,
18 and such tags shall not be removed except by an authorized
19 representative of the department, after satisfactory proof of
20 compliance with all requirements of this act and of regulations
21 of the department.

22 Section 4. Design and labeling requirements.

23 Listed kerosene heaters must adhere to the following design
24 and labeling requirements:

25 (1) Heaters must have labeling permanently affixed
26 thereto so as to caution and inform consumers concerning:

27 (i) Provision of an adequate source of ventilation
28 when the heater is in operation.

29 (ii) Use of only suitable fuel for the heater.

30 (iii) Proper manner of refueling.

1 (iv) Proper placement and handling of the heater
2 when in operation.

3 (v) Proper procedures for lighting, flame regulation
4 and extinguishing the heater.

5 (2) Heaters must be packaged with instructions to inform
6 consumers concerning proper maintenance and operation.

7 Section 5. Sale or lease of heaters.

8 Only listed kerosene heaters shall be offered for sale or
9 lease in this Commonwealth.

10 Section 6. Advertising of kerosene for use in heaters.

11 (a) General rule.--Any person who offers kerosene for sale
12 in this Commonwealth shall post a conspicuous notice in letters
13 at least three inches in height, visible to all purchasers at
14 the place of sale and the dispensing unit, stating whether the
15 kerosene being sold from the storage facility is 1-K or 2-K as
16 defined by the American Society of Testing Materials.

17 (b) Grade 2-K kerosene.--All persons who offer kerosene
18 graded 2-K for sale within this Commonwealth must post
19 conspicuously the following notice, in letters at least three
20 inches in height, at the dispensing unit, and next to or
21 immediately below any listing of prices for the kerosene:

22 "This is grade 2-K Kerosene and is not to be used in
23 portable kerosene heaters."

24 Section 7. Penalty.

25 Any person who knowingly violates any of the provisions of
26 this act commits a summary offense and shall, upon conviction,
27 be sentenced to pay a fine of not less than \$50, or more than
28 \$300, or imprisonment of not more than 30 days or both. Any
29 subsequent offense shall constitute a misdemeanor of the third
30 degree.

1 Section 8. Application of act.

2 This act shall apply only to those portable kerosene-fueled
3 heaters sold on or after the effective date of this act.

4 Section 9. Effective date.

5 This act shall take effect on July 1, 1989.