

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1473 Session of
1999

INTRODUCED BY STERN, L. I. COHEN, GEIST, DALEY, LAUGHLIN, CLARK,
HERSHEY, CORRIGAN, SEMMEL, E. Z. TAYLOR AND YOUNGBLOOD,
MAY 10, 1999

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 20, 2000

AN ACT

1 Amending the act of February 11, 1998 (P.L.58, No.15), entitled
2 "An act providing for the regulation of combustible and
3 flammable liquids; allocating functions of the Department of
4 Labor and Industry and the Pennsylvania State Police;
5 imposing penalties; and making repeals," further providing
6 for regulations, FOR NOTIFICATION BY MANUFACTURERS OF <—
7 GASOLINE ADDITIVE INFORMATION, FOR RETAIL SERVICE STATIONS
8 AND FOR PENALTIES.

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

11 ~~Section 1. Section 4 of the act of February 11, 1998~~ <—
12 ~~(P.L.58, No.15), known as the Combustible and Flammable Liquids~~
13 ~~Act, is amended to read:~~

14 SECTION 1. THE ACT OF FEBRUARY 11, 1998 (P.L.58, NO.15), <—
15 KNOWN AS THE COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT, IS AMENDED
16 BY ADDING A SECTION TO READ:

17 SECTION 3.1. NOTIFICATION BY MANUFACTURERS OF GASOLINE ADDITIVE
18 INFORMATION.

19 NO PERSON WHO DISTRIBUTES GASOLINE MAY MAKE A REPRESENTATION
20 RESPECTING THE ANTIKNOCK CHARACTERISTICS OF THE GASOLINE UNLESS

1 THE REPRESENTATION DISCLOSES THE MINIMUM ANTIKNOCK INDEX
2 REQUIREMENTS OF THE FUEL AS ADOPTED BY THE NATIONAL CONFERENCE
3 OF WEIGHTS AND MEASURES AND PUBLISHED IN HANDBOOK 130, AND
4 SUPPLEMENTS THERETO, OR IN ANY PUBLICATION REVISING OR
5 SUPERSEDING HANDBOOK 130. THE DEPARTMENT SHALL HAVE THE
6 AUTHORITY TO ISSUE A STOP SALE NOTICE TO A RETAILER WHO IS IN
7 VIOLATION OF THIS SUBSECTION.

8 SECTION 2. SECTIONS 4, 7 AND 11 OF THE ACT ARE AMENDED TO
9 READ:

10 Section 4. Regulations.

11 (a) Authority.--

12 (1) The department may promulgate regulations governing
13 the possession, use, storage and sale of combustible liquids
14 or flammable liquids. Regulations under this paragraph must
15 be based upon generally accepted national or international
16 standards, except that regulations providing for emergency
17 controls, including switches, shall be based upon subsection
18 (c).

19 (2) To provide standards for the storage and dispensing
20 of compressed natural gas as a vehicular fuel in fleet and
21 public dispensing operations, the department shall promulgate
22 regulations which adopt the National Fire Protection
23 Association Standard for Compressed Natural Gas Vehicular
24 Fuel systems (NFPA 52), excluding provisions on engine fuel
25 systems.

26 (b) Existing regulations.--Until modified or deleted by the
27 department, 37 Pa. Code Chs. 11 (relating to preliminary
28 provisions) and 13 (relating to storage and use) shall be deemed
29 regulations of the department under this section.

30 (c) Emergency controls.--The department shall require

1 emergency controls, including a main power shut-off switch, or
2 switches, at self-service gasoline stations. Emergency controls
3 shall be independent of the approved special dispensing devices
4 and control equipment. Emergency controls and switches shall be
5 installed at an accessible location not more than 15 feet from
6 the principal control location of the attendant and not more
7 than 125 feet from the farthest self-service dispensing device.
8 Use of the emergency controls, including the main power shut-off
9 switch or switches to control the dispensing devices in other
10 than an emergency, shall be prohibited.

11 SECTION 7. RETAIL SERVICE STATIONS. <—

12 (A) KEROSENE.--AT A RETAIL SERVICE STATION, THE INTAKE OR
13 RECEIVING PIPE OPENING FOR A KEROSENE STORAGE TANK SHALL BE
14 SMALLER THAN THE NOZZLE ON THE HOSE USED TO DELIVER GASOLINE OR
15 DIESEL FUEL INTO THE STORAGE TANK.

16 (B) SELF-SERVICE.--AN ATTENDED SELF-SERVICE GASOLINE STATION
17 MAY USE A HOLD-OPEN GASOLINE-DISPENSING NOZZLE IF ALL OF THE
18 FOLLOWING ARE MET:

19 (1) THE NOZZLE MEETS SAFETY STANDARDS ADOPTED BY
20 REGULATION OF THE DEPARTMENT.

21 (2) A SIGN IS POSTED INDICATING THAT ANY PERSON, OTHER
22 THAN THE ATTENDANT, WHO USES A HOLD-OPEN GASOLINE-DISPENSING
23 NOZZLE SHALL REMAIN AT THE REFUELING POINT DURING THE
24 REFUELING OPERATION.

25 (C) PORTABLE CONTAINER SPECIFICATIONS.--IN ADDITION TO
26 ESTABLISHED CONTAINER CONSTRUCTION REQUIREMENTS UNDER 37 PA.
27 CODE, § 11.7 (RELATING TO CONTAINER CONSTRUCTION), PORTABLE
28 CONTAINERS USED FOR THE STORAGE AND HANDLING OF FLAMMABLE AND
29 COMBUSTIBLE LIQUIDS SHALL BE COLOR-CODED TO PROPERLY IDENTIFY
30 THE CONTENTS OF THE CONTAINER AS FOLLOWS:

1 (1) BLUE SHALL REPRESENT KEROSENE.

2 (2) RED SHALL REPRESENT GASOLINE.

3 NO OTHER COLOR MAY BE USED FOR PORTABLE CONTAINERS AS PROVIDED
4 FOR IN THIS SECTION WHICH ARE USED FOR THE STORAGE AND HANDLING
5 OF FLAMMABLE AND COMBUSTIBLE LIQUIDS. AT LEAST 75% OF THE
6 SURFACE AREA OF THE CONTAINER SHALL BE OF THE REQUIRED COLOR.

7 (D) ATTENDED SELF-SERVICE STATION OPERATOR FACILITIES.--IT
8 IS THE RESPONSIBILITY OF THE OPERATOR OF THE ATTENDED SELF-
9 SERVICE STATION TO FAMILIARIZE ATTENDANT EMPLOYEES WITH THE
10 LOCATION AND OPERATION OF THE STATION'S EMERGENCY FUEL SHUT-OFF
11 SWITCH.

12 SECTION 11. PENALTIES.

13 (A) INITIAL OFFENSE.--[A] EXCEPT AS PROVIDED FOR IN
14 SUBSECTION (C), A PERSON THAT VIOLATES THIS ACT OR A REGULATION
15 UNDER THIS ACT COMMITS A SUMMARY OFFENSE AND SHALL, UPON
16 CONVICTION, BE SENTENCED TO PAY A FINE OF \$500.

17 (B) SUBSEQUENT OFFENSES.--A PERSON THAT, AFTER BEING
18 SENTENCED UNDER SUBSECTION (A), VIOLATES THIS ACT OR A
19 REGULATION UNDER THIS ACT COMMITS A SUMMARY OFFENSE AND SHALL,
20 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000.

21 (C) IMPROPER CONTAINER.--A PERSON WHO VIOLATES SECTION 7(C)
22 RELATING TO PORTABLE CONTAINER SPECIFICATIONS COMMITS A SUMMARY
23 OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY
24 A FINE OF NOT MORE THAN \$100. THE RESPONSIBILITY FOR COMPLIANCE
25 WITH SECTION 7(C) SHALL RESIDE EXCLUSIVELY WITH PERSONS WHO USE
26 PORTABLE CONTAINERS TO STORE OR HANDLE FLAMMABLE COMBUSTIBLE
27 LIQUIDS. THE FILLING OF SUCH CONTAINERS IN CONNECTION WITH THE
28 SALE OR DISTRIBUTION OF GASOLINE OR KEROSENE SHALL NOT
29 CONSTITUTE AND ACT OF STORAGE OR HANDLING FOR PURPOSES OF THIS
30 SECTION AND NO SELLER SHALL INCUR ANY CIVIL LIABILITY FOR

1 FAILURE TO PROPERLY IDENTIFY THE CONTENTS OF SUCH CONTAINERS.

2 Section ~~2~~ 3. This act shall take effect in 60 days.

<—