

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 2232

Session of  
1988

---

INTRODUCED BY STAIRS, LAUGHLIN, J. L. WRIGHT, BELFANTI, DeLUCA,  
LEVDANSKY, VAN HORNE, TELEK, NAHILL, TRELLO, COHEN, SEMMEL,  
BURD, OLASZ, CAWLEY, VEON, BUNT, BOWSER, GRUPPO, CIVERA,  
CAPPABIANCA AND PETRARCA, MARCH 14, 1988

---

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 14, 1988

---

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.

17 Section 2. Definitions.

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

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

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

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

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

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

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

30      (c)   Inspections.--All places where kerosene heaters are

1 offered for sale or lease, or where there is possession with  
2 intent to sell or lease, shall be subject to inspection by  
3 authorized representatives of the department to ascertain  
4 whether the requirements of this act and of regulations of the  
5 department have been met.

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

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

#### 21 Section 4. Design and labeling requirements.

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

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

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

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

29 (iii) Proper manner of refueling.

30 (iv) Proper placement and handling of the heater

when in operation.

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

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

#### Section 5. Sale or lease of heaters.

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

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

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

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

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

#### Section 7. Penalty.

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

#### Section 8. Application of act.

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

3 Section 9. Effective date.

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