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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 506 Session of  
2017

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INTRODUCED BY BULLOCK, YOUNGBLOOD, KINSEY, FREEMAN, McCLINTON,  
DONATUCCI, BOBACK, DAWKINS AND DAVIS, FEBRUARY 15, 2017

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, FEBRUARY 15, 2017

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, providing for the inspection and  
3 regulation of mobile food vehicles in cities of the first  
4 class that use propane or other combustible fuel.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 53 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a part to read:

9 PART VI

10 PUBLIC SAFETY

11 Chapter

12 70. Mobile Food Vehicles in Cities of the First Class

13 CHAPTER 70

14 MOBILE FOOD VEHICLES IN

15 CITIES OF THE FIRST CLASS

16 Sec.

17 7001. Definitions.

18 7002. Safety requirements.

19 7003. Enforcement and penalties.

1 7004. Regulations.

2 § 7001. Definitions.

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

6 "City." A city of the first class.

7 "Enforcement agency." The agency or department of a city of  
8 the first class responsible for issuing licenses or permits for  
9 the operation of mobile food vehicles.

10 "Fire department." A fire department in a city of the first  
11 class.

12 "Mobile food vehicle." A self-contained food service  
13 operation, located in a readily movable motorized vehicle with  
14 wheels or in a vehicle with wheels, capable of being towed by a  
15 motorized vehicle, designed for the preparation, display and  
16 service of food or beverages, or both, to patrons.

17 "Quick-connect device." As defined in National Fire  
18 Protection Association Code No. 58, entitled "Liquefied  
19 Petroleum Gas Code."

20 § 7002. Safety requirements.

21 The following shall apply to a mobile food vehicle using  
22 propane or compressed natural gas operating in a city:

23 (1) Only United States Department of Transportation-  
24 approved models of propane and natural gas tanks under 49 CFR  
25 Pt. 178 (relating to specifications for packagings) may be  
26 used on a mobile food vehicle. A tank must be labeled  
27 properly with prominent safety placards, in accordance with  
28 49 CFR Pt. 178, and must be equipped with a regulator as  
29 prescribed by the National Fire Protection Association Code.  
30 A quick-connect device may not be used, except on a chassis-

1 mounted tank that is equipped with a manual shutoff.

2 (2) The following shall apply to the mounting and  
3 placement of tanks:

4 (i) The mounting and placement of propane and  
5 natural gas tanks must withstand impact equal to four  
6 times the weight of the filled propane or natural gas  
7 container, in accordance with National Fire Protection  
8 Association Code No. 58. A tank must be secure and  
9 conform with National Fire Protection Association Code  
10 standards relating to the safe mounting of tanks. Propane  
11 and natural gas tanks must be installed on a mobile food  
12 vehicle in one of the following ways:

13 (A) Outside mounted, in a semi-enclosed cabinet,  
14 with vents at the bottom to facilitate the diffusion  
15 of vapors, vapor tight to the interior of the  
16 vehicle, with a weather-protected regulator and a  
17 leak indicator in accordance with National Fire  
18 Protection Association Code standards.

19 (B) Outside mounted, secured on top and bottom  
20 and stabilized, vapor tight to the interior of the  
21 vehicle, mounted no less than 28 inches above the  
22 ground with a weather-protected regulator.

23 (C) Chassis mounted, in accordance with National  
24 Fire Protection Association Code No. 58.

25 (ii) A propane or natural gas tank may not be  
26 installed on the roof or stored inside a mobile food  
27 vehicle.

28 (3) A propane or natural gas tank must be turned off  
29 when the mobile food vehicle is any of the following:

30 (i) In motion.

1           (ii) Unattended.

2           (iii) Stored overnight.

3           (4) Propane and natural gas piping must be constructed  
4 and installed in accordance with National Fire Protection  
5 Association Code standards and be made of steel, copper or  
6 brass. The use of plastic piping is prohibited.

7           (5) A mobile food vehicle may carry no more than a total  
8 of 120 pounds of propane or an equivalent amount of natural  
9 gas.

10          (6) An individual who has successfully completed a  
11 propane or natural gas handling and safety course, as  
12 applicable, approved by the fire department to be in  
13 compliance with industry standards, must be present when the  
14 mobile food vehicle is being operated. The individual must  
15 have a certificate of successful completion of the course  
16 readily available, upon the request of any agency or  
17 department of the city.

18          (7) The following shall apply to inspection:

19           (i) A mobile food vehicle must have the mobile food  
20 vehicle's propane or natural gas system inspected by the  
21 fire department at least once every year.

22           (ii) The fire department shall provide the operator  
23 of a mobile food vehicle with a written report of the  
24 results of its inspection. The report must be kept in the  
25 mobile food vehicle for a minimum of one year and must be  
26 readily available upon the request of any agency or  
27 department of the city.

28           (iii) If the report identifies an unsafe condition  
29 in the operation of the propane or natural gas system,  
30 the operator of the mobile food vehicle shall take action

1 necessary and appropriate to remedy the condition. Prior  
2 to the resumption of operation of the mobile food  
3 vehicle, the fire department must approve the remedial  
4 action taken by the operator.

5 (iv) An individual may not operate a mobile food  
6 vehicle's propane or natural gas system for a period  
7 longer than one year after the date of the mobile food  
8 vehicle's last inspection.

9 (8) If a leak, fire or other safety incident occurs, the  
10 operator of a mobile food vehicle must seek immediate  
11 maintenance and the mobile food vehicle may not be returned  
12 to service until the mobile food vehicle has been inspected  
13 and certified as safe by the fire department. Documentation  
14 of the incident, the action taken by the operator, the  
15 inspection and the certification shall be kept in the mobile  
16 food vehicle for a minimum of one year and shall be readily  
17 available upon the request of any agency or department of the  
18 city.

19 (9) Propane and natural gas tank refilling or exchange  
20 may only be performed by an individual, including the  
21 operator of a mobile food vehicle, who has completed a  
22 training course pertaining to refilling and exchange that has  
23 been approved by the fire department. Each refill or exchange  
24 must take place at a facility approved by the fire  
25 department. A refill or exchange may not take place on city  
26 streets or at a mobile food vehicle vending site.

27 (10) Records pertaining to refills and exchanges of  
28 tanks for a mobile food vehicle must be kept by the facility  
29 and by the operator of the mobile food vehicle for a period  
30 of one year. Such records shall be readily available upon the

1 request of any agency or department of the city.

2 (11) A mobile food vehicle operator shall be responsible  
3 for testing the vehicle's propane or natural gas system for  
4 leaks with an Underwriters Laboratories-classified and Mine  
5 Safety and Health Administration-certified combustible gas  
6 detector. The test must be performed in conjunction with each  
7 refill or exchange. The testing must be completed and  
8 recorded before the mobile food vehicle leaves the refill or  
9 exchange facility.

10 (12) The fire department may inspect a propane or  
11 natural gas system at any time for compliance with this  
12 section and may contract with a third party for the provision  
13 of inspection services required by this chapter.

14 § 7003. Enforcement and penalties.

15 (a) General rule.--Subject to the provisions of subsection  
16 (d), the enforcement agency shall enforce the provisions of this  
17 chapter and any regulations promulgated under this chapter and  
18 may do any or all of the following:

19 (1) Revoke or suspend a license or permit or issue a  
20 cease and desist order following a finding of noncompliance  
21 with the provisions of this chapter.

22 (2) Initiate a criminal prosecution for a violation of  
23 this chapter.

24 (b) Penalties.--

25 (1) Except as provided in paragraph (2), a person that  
26 violates this chapter or a regulation promulgated under this  
27 chapter commits a summary offense and shall, upon conviction,  
28 be sentenced to pay a fine of \$500 for each violation. Each  
29 day the violation continues shall be deemed a separate  
30 offense for the purposes of this paragraph and paragraph (2).

1           (2) A person that, after being sentenced under paragraph  
2 (1), violates this chapter or a regulation promulgated under  
3 this chapter shall, upon conviction, be sentenced to pay a  
4 fine of \$1,000 for each violation.

5           (3) All fines collected under this section shall be  
6 remitted to the city for the use of the fire department in  
7 carrying out its obligations under this chapter.

8           (c) License suspension or revocation.--Subject to the  
9 provisions of subsection (d), a license or permit issued to the  
10 operator of a mobile food vehicle for the operation of the  
11 vehicle may be suspended or revoked by the issuer of the license  
12 or permit upon the failure of the operator to pay a penalty  
13 assessed under subsection (b) or for failing to comply with any  
14 order issued by the agency or department of the city responsible  
15 for enforcement of this chapter under subsection (a).

16           (d) Hearings and appeals.--

17           (1) Prior to taking an action under subsection (a) or  
18 (c), the enforcement agency shall serve written notice of the  
19 alleged violation upon the operator of the mobile food  
20 vehicle and give the operator an opportunity to show or  
21 achieve compliance with the requirements of this chapter that  
22 are the subject of the notice.

23           (2) Paragraph (1) shall not apply when the enforcement  
24 agency finds that public health, safety or welfare requires  
25 immediate action.

26           (3) A person aggrieved by a formal action of the  
27 enforcement agency under this section may appeal to any  
28 review board operating in the city for the hearing of appeals  
29 from actions of agencies and departments of the city. If a  
30 review board is not operating in the city, the person may

1 appeal to the court of common pleas for the county in which  
2 the city is located.

3 § 7004. Regulations.

4 Notwithstanding the provisions of section 15 of the act of  
5 June 19, 2002 (P.L.421, No.61), known as the Propane and  
6 Liquefied Petroleum Gas Act, to the contrary, a city may adopt,  
7 administer and enforce regulations necessary to carry out the  
8 provisions of this chapter.

9 Section 2. This act shall take effect in 60 days.