

No. 1993-55

AN ACT

HB 696

Amending the act of May 11, 1949 (P.L.1116, No.330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of Justice and the inspectors of weights and measures of the several counties and cities; and prescribing penalties," transferring the powers and duties of the Department of Justice to the Department of Agriculture; specifying information to be included on delivery tickets furnished to consumers; and further providing for penalties.

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

Section 1. The title of the act of May 11, 1949 (P.L.1116, No.330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of Justice and the inspectors of weights and measures of the several counties and cities; and prescribing penalties," amended December 18, 1968 (P.L.1240, No.391), is amended to read:

AN ACT

To regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of [Justice] **Agriculture** and the inspectors of weights and measures of the several counties and cities; and prescribing penalties.

Section 2. Section 1 of the act, amended December 18, 1968 (P.L.1240, No.391), is amended to read:

Section 1. Definitions.--The word "department" as used in this act shall mean the Department of [Justice] **Agriculture**.

The words "domestic consumers" as used in this act shall mean those in residences, apartment houses, stores, churches, office buildings, and similar edifices, as distinguished from industrial plants.

The words "light fuel oils" as used in this act shall mean kerosene, number one fuel oil, number two fuel oil, number three fuel oil, and any similar oil used for domestic heating, as distinguished from heavy industrial oils.

The word "person" as used in this act shall be construed to include any individual, partnership, unincorporated association, corporation, association, agent, firm, representative, or employe thereof.

Section 3. Section 2 of the act, amended September 29, 1959 (P.L.992, No.406), is amended to read:

Section 2. Meter Required.--(a) No person shall deliver light fuel oils to any domestic consumer unless the vehicle by which such light fuel oils are delivered is equipped with a meter of a type capable of furnishing a printed delivery ticket approved under provisions of the act, approved the fifth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 389), as amended, entitled "An act to regulate and control the manufacture, sale, offering

for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania; providing for the approval and disapproval of such weights, measures, and devices by the Bureau of Standards; and prescribing penalties." **Each meter printed delivery ticket shall bear a printed nonrepetitive serial number.** All deliveries of light fuel oil to such consumers shall be made by the use of such a meter and a meter printed delivery ticket rendered the customer at the time of delivery or with the invoice. **The seller or deliverer shall maintain the receipts for two years in an orderly and retrievable manner.**

(b) **The delivery tickets required under subsection (a) shall be of a type approved by the department and shall include the following information:**

- (1) **The vendor's name and address.**
- (2) **The date and time of delivery.**
- (3) **The purchaser's name and address.**
- (4) **Product identification.**
- (5) **The driver's signature or employe number.**
- (6) **The delivery vehicle's permanently assigned company truck number.**
- (7) **The price per gallon.**
- (8) **The volume in terms of gallons, to the nearest one-tenth of a gallon.**

Section 4. Section 5 of the act, amended December 18, 1968 (P.L.1240, No.391), is amended to read:

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

(b) The [Attorney General] **department** shall have power to adopt and promulgate such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the intent and purpose of this act.

Section 5. Section 6 of the act is amended to read:

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

Any person violating any of the provisions of this act for a fourth or subsequent offense shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), or suffer imprisonment for not more than sixty (60) days, or both.] **A violation of any provisions of this act by a person or his agent or his servant:**

- (1) **Constitutes a summary offense for a first offense, punishable by a fine of not less than one hundred dollars (\$100.00).**
- (2) **Constitutes a summary offense for a second offense, punishable by a fine of not less than two hundred dollars (\$200.00).**
- (3) **Constitutes a summary offense for a third offense, punishable by a fine of not less than three hundred dollars (\$300.00).**

(4) Constitutes a misdemeanor of the third degree for a fourth and subsequent offense, punishable by a fine of not less than five hundred dollars (\$500.00).

Section 6. This act shall take effect as follows:

(1) The amendment of section 2 of the act shall take effect in 180 days or upon acquisition of newly printed delivery tickets.

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

APPROVED--The 2nd day of July, A. D. 1993.

MARK L. SINGEL
ACTING GOVERNOR