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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 435      Session of  
1993

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INTRODUCED BY STAIRS, MELIO, BATTISTO, TRELLO, KING,  
E. Z. TAYLOR, PETRARCA, GEIST AND CIVERA, MARCH 15, 1993

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REFERRED TO COMMITTEE ON CONSERVATION, MARCH 15, 1993

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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.

18       The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

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

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

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

17 Section 3. Duties of departments.

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

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

29 (c) Inspections.--All places where kerosene heaters are  
30 offered for sale or lease, or where there is possession with

1 intent to sell or lease, shall be subject to inspection by  
2 authorized representatives of the department to ascertain  
3 whether the requirements of this act and of regulations of the  
4 department have been met.

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

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

20 Section 4. Design and labeling requirements.

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

- 23 (1) Heaters must have labeling permanently affixed  
24 thereto so as to caution and inform consumers concerning:
- 25 (i) Provision of an adequate source of ventilation  
26 when the heater is in operation.
- 27 (ii) Use of only suitable fuel for the heater.
- 28 (iii) Proper manner of refueling.
- 29 (iv) Proper placement and handling of the heater  
30 when in operation.

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

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

5   Section 5. Sale or lease of heaters.

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

8   Section 6. Posting of notice.

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

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

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

22   Section 7. Penalty.

23          Any person who knowingly violates any of the provisions of  
24          this act commits a summary offense and shall, upon conviction,  
25          be sentenced to pay a fine of not less than \$50 nor more than  
26          \$300 or imprisonment for not more than 30 days, or both. Any  
27          subsequent offense shall constitute a misdemeanor of the third  
28          degree.

29   Section 8. Application of act.

30          This act shall apply only to those portable kerosene-fueled

- 1 heaters sold on or after the effective date of this act.
- 2 Section 9. Effective date.
- 3 This act shall take effect on July 1, 1993.