

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1542** Session of
2001

INTRODUCED BY MARSICO, CALTAGIRONE, CAPPELLI, COLAFELLA, COY,
HARHAI, JAMES, MELIO, R. MILLER, PHILLIPS, SEMMEL, SOLOBAY,
E. Z. TAYLOR, THOMAS, YOUNGBLOOD AND GEORGE, MAY 8, 2001

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 12, 2002

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 self-service dispensing stations, FOR PROHIBITION AND FOR ←
7 PENALTIES.

8 The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

10 Section 1. Section 7 of the act of February 11, 1998
11 (P.L.58, No.15), known as the Combustible and Flammable Liquids
12 Act, amended October 18, 2000 (P.L.574, No.74), is amended to
13 read:

14 Section 7. Retail service stations.

15 (a) Kerosene.--At a retail service station, the intake or
16 receiving pipe opening for a kerosene storage tank shall be
17 smaller than the nozzle on the hose used to deliver gasoline or
18 diesel fuel into the storage tank.

19 (b) Self-service.--An attended self-service gasoline station

1 may use a hold-open gasoline-dispensing or HOLD-OPEN diesel <—
2 fuel-dispensing nozzle if all of the following are met:

3 (1) The nozzle meets safety standards adopted by
4 regulation of the department.

5 (2) A sign is posted indicating that PENNSYLVANIA LAW <—
6 REQUIRES THAT any person, other than the attendant, who uses
7 a hold-open gasoline-dispensing or HOLD-OPEN diesel fuel- <—
8 dispensing nozzle shall remain [at] WITHIN TEN FEET AND <—
9 WITHIN PLAIN SIGHT OF the refueling point during the
10 refueling operation.

11 (c) Portable container specifications.--In addition to
12 established container construction requirements under 37 Pa.
13 Code § 11.7 (relating to container construction), portable
14 containers used for the storage and handling of flammable and
15 combustible liquids shall be color-coded to properly identify
16 the contents of the container as follows:

17 (1) Blue shall represent kerosene.

18 (2) Red shall represent gasoline.

19 (3) YELLOW SHALL REPRESENT DIESEL. <—

20 No other color may be used for portable containers as provided
21 for in this section which are used for the storage and handling
22 of flammable and combustible liquids. At least 75% of the
23 surface area of the container shall be of the required color.

24 (d) Attended self-service station operator facilities.--It
25 is the responsibility of the operator of the attended self-
26 service station to familiarize attendant employees with the
27 location and operation of the station's emergency fuel shut-off
28 switch.

29 SECTION 2. SECTION 10 OF THE ACT IS AMENDED TO READ: <—

30 SECTION 10. PROHIBITIONS.

1 A PERSON MAY NOT DO ANY OF THE FOLLOWING:

2 (1) HINDER, DELAY OR INTERFERE WITH THE DEPARTMENT'S
3 ENFORCEMENT OF THIS ACT OR REGULATIONS PROMULGATED UNDER THIS
4 ACT.

5 (2) FAIL TO PLACE OUT OF SERVICE, IN ACCORDANCE WITH AN
6 ORDER OF THE DEPARTMENT, A TANK, PUMP OR DRAWING-OFF DEVICE
7 FOR THE POSSESSION, USE, STORAGE OR SALE OF COMBUSTIBLE
8 LIQUIDS OR FLAMMABLE LIQUIDS.

9 (3) CAUSE OR PERMIT A DELIVERY OR ACCEPTANCE OF FUEL
10 INTO A KEROSENE STORAGE TANK IN VIOLATION OF SECTION 7(A).
11 EACH DELIVERY OR ACCEPTANCE CONSTITUTES A SEPARATE OFFENSE.

12 (4) FAIL TO REMAIN AT A LOCATION NO MORE THAN TEN FEET
13 FROM THE NOZZLE BEING UTILIZED WITHIN PLAIN SIGHT OF THE
14 NOZZLE DURING THE USE OF HOLD-OPEN GASOLINE OR HOLD-OPEN
15 DIESEL DISPENSING NOZZLES IF THE SIGN REQUIRED UNDER SECTION
16 7(B)(2) IS POSTED. RESPONSIBILITY FOR COMPLIANCE WITH THIS
17 PARAGRAPH SHALL RESIDE EXCLUSIVELY WITH THE PERSON UTILIZING
18 A HOLD-OPEN DEVICE.

19 SECTION 3. SECTION 11 OF THE ACT, AMENDED OCTOBER 18, 2000
20 (P.L.574, NO.74), IS AMENDED TO READ:

21 SECTION 11. PENALTIES AND REMEDIES.

22 (A) INITIAL OFFENSE.--EXCEPT AS PROVIDED FOR IN SUBSECTION
23 (C), A PERSON THAT VIOLATES THIS ACT OR A REGULATION UNDER THIS
24 ACT COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
25 SENTENCED TO PAY A FINE OF \$500.

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

30 (C) IMPROPER CONTAINER.--A PERSON WHO VIOLATES SECTION 7(C)

1 RELATING TO PORTABLE CONTAINER SPECIFICATIONS COMMITS A SUMMARY
2 OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY
3 A FINE OF NOT MORE THAN \$100. THE RESPONSIBILITY FOR COMPLIANCE
4 WITH SECTION 7(C) SHALL RESIDE EXCLUSIVELY WITH PERSONS WHO USE
5 PORTABLE CONTAINERS TO STORE OR HANDLE FLAMMABLE COMBUSTIBLE
6 LIQUIDS. THE FILLING OF SUCH CONTAINERS IN CONNECTION WITH THE
7 SALE OR DISTRIBUTION OF GASOLINE OR KEROSENE SHALL NOT
8 CONSTITUTE AN ACT OF STORAGE OR HANDLING FOR PURPOSES OF THIS
9 SECTION, AND NO SELLER SHALL INCUR ANY CIVIL LIABILITY FOR
10 FAILURE TO PROPERLY IDENTIFY THE CONTENTS OF SUCH CONTAINERS.

11 (D) RESTITUTION.--IF THE SIGN REQUIRED UNDER SECTION 7(B)(2)
12 IS POSTED, A PERSON THAT VIOLATES SECTION 10(4) SHALL BE LIABLE
13 FOR PAYMENT OF ALL ENVIRONMENTAL CLEAN-UP COSTS ASSOCIATED WITH
14 A FUEL SPILL RESULTING FROM THE PERSON'S VIOLATION OF SECTION
15 10(4).

16 Section ~~2~~ 4. This act shall take effect in 60 days.

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