
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 706 Session of
2011

INTRODUCED BY SOLOBAY, BAKER, COSTA, BROWNE, BREWSTER, ERICKSON,
FONTANA, RAFFERTY AND WASHINGTON, FEBRUARY 28, 2011

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 28, 2011

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 regulations and for prohibitions.

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

9 Section 1. Section 4 of the act of February 11, 1998
10 (P.L.58, No.15), known as the Combustible and Flammable Liquids
11 Act, amended October 18, 2000 (P.L.574, No.74), is amended to
12 read:

13 Section 4. Regulations.

14 (a) Authority.--

15 (1) The department may promulgate regulations governing
16 the possession, use, storage and sale of combustible liquids
17 or flammable liquids. Regulations under this paragraph must
18 be based upon generally accepted national or international
19 standards, except that regulations providing for emergency

1 controls, including switches, shall be based upon subsection
2 (c).

3 (2) To provide standards for the storage and dispensing
4 of compressed natural gas as a vehicular fuel in fleet and
5 public dispensing operations, the department shall promulgate
6 regulations which adopt the National Fire Protection
7 Association Standard for Compressed Natural Gas Vehicular
8 Fuel systems (NFPA 52), excluding provisions on engine fuel
9 systems.

10 (b) Existing regulations.--Until modified or deleted by the
11 department, 37 Pa. Code Chs. 11 (relating to preliminary
12 provisions) and 13 (relating to storage and use) shall be deemed
13 regulations of the department under this section.

14 [(c) Emergency controls.--The department shall require
15 emergency controls, including a main power shut-off switch or
16 switches, at self-service gasoline stations. Emergency controls
17 shall be independent of the approved special dispensing devices
18 and control equipment. Emergency controls and switches shall be
19 installed at an accessible location not more than 15 feet from
20 the principal control location of the attendant and not more
21 than 125 feet from the farthest self-service dispensing device.
22 Use of the emergency controls, including the main power shut-off
23 switch or switches, to control the dispensing devices in other
24 than an emergency shall be prohibited.]

25 (c.1) Emergency controls and electrical disconnects.--

26 (1) Fuel dispensing systems shall be provided with one
27 or more clearly identified emergency shut-off devices or
28 electrical disconnects. Such devices or disconnects shall be
29 installed in approved locations not less than 20 feet or more
30 than 100 feet from the fuel dispensing devices that they

1 serve. The farthest fuel dispensing device shall be no more
2 than 200 feet from the master control emergency shut-off
3 device. Emergency shut-off devices or electrical disconnects
4 shall disconnect power to:

5 (i) All dispensing devices.

6 (ii) All remote pumps serving the dispensing
7 devices.

8 (iii) All associated power, control and signal
9 circuits.

10 (iv) All other electrical equipment in hazardous or
11 classified locations surrounding the fuel dispensing
12 devices.

13 (2) When more than one emergency shut-off device or
14 electrical disconnect is provided, all devices shall be
15 interconnected. Resetting from an emergency shut-off
16 condition shall require manual intervention and the manner of
17 resetting shall be approved by the authority having
18 jurisdiction.

19 (3) There shall be a master control emergency shut-off
20 device, and such device shall be within 15 feet of the
21 principal location of the attendant.

22 (4) At attended motor fuel dispensing facilities, the
23 devices or disconnects shall be readily accessible to the
24 attendant.

25 (5) At unattended motor fuel dispensing facilities, the
26 devices or disconnects shall be readily accessible to
27 patrons, and at least one additional device or disconnect
28 shall be readily accessible to each group of dispensing
29 devices on an individual island.

30 (6) Each fuel dispensing device shall be in clear view

1 of the attendant at all times. The dispensing of fuel at each
2 fuel dispensing device shall be in clear view of the
3 attendant and no obstacle shall be permitted between the
4 dispensing operation and the attendant so as to obstruct the
5 view of the attendant.

6 (d) Operating requirements for attended self-service motor
7 fuel dispensing facilities.--

8 (1) There shall be at least one attendant on duty while
9 a self-service motor fuel dispensing facility is open for
10 business. The attendant's primary function shall be to
11 supervise, observe and control the dispensing of Class I
12 liquids while the Class I liquids are being dispensed.

13 (2) As used in this subsection, a "self-service motor
14 fuel dispensing facility" shall mean that portion of a
15 property where liquids used as motor fuels are stored and
16 dispensed from fixed, approved dispensing equipment into the
17 fuel tanks of motor vehicles by persons other than the
18 facility attendant and shall also include, where provided,
19 facilities for the sale of other retail products.

20 (e) Attendant responsibilities.--It shall be the
21 responsibility of an attendant to:

22 (1) Ensure the dispensing of Class I liquids into
23 portable containers as provided for in section (7)(c).

24 (2) Ensure the use of hose nozzle valve latch-open
25 devices as provided for in section (7)(b).

26 (3) Control sources of ignition.

27 (4) Immediately activate emergency controls and notify
28 the fire department of any fire or other emergency.

29 (5) Handle accidental spills and fire extinguishers if
30 needed.

1 (f) Capabilities.--The attendant or supervisor on duty shall
2 be mentally and physically capable of performing the functions
3 and assuming the responsibility prescribed in this act.

4 (g) Operating instructions.--Operating instructions shall be
5 conspicuously posted in the dispensing area.

6 (h) Applicability.--Subsections (c.1), (d), (e), (f) and (g)
7 shall apply to any new modification, construction or
8 installation of fuel dispensing systems and their components
9 that dispense fuel. Existing attended motor fuel dispensing
10 facilities are not required to install additional emergency
11 shut-off devices or electrical disconnects, provided that the
12 primary emergency shut-off switch is not more than 15 feet from
13 the principal control location of the attendant and not more
14 than 125 feet from the farthest motor fuel dispensing device.
15 The provisions of this subsection shall apply to tank storage
16 systems, piping systems and electrical installations.
17 Subsections (d), (e), (f) and (g) shall apply to all existing
18 attended motor fuel dispensing facilities.

19 Section 2. Section 10 of the act is amended by adding a
20 paragraph to read:

21 Section 10. Prohibitions.

22 A person may not do any of the following:

23 * * *

24 (5) Use or operate any of the emergency controls or
25 electrical disconnects to control the dispensing devices
26 other than for an emergency. An attendant may use or operate
27 any of the emergency devices or electrical disconnects for
28 security or antitheft purposes.

29 Section 3. This act shall take effect immediately.