
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1489 Session of
2015

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AUGUST 21, 2015

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, AUGUST 21, 2015

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.

1 7003. Enforcement and penalties.

2 7004. Regulations.

3 § 7001. Definitions.

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

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

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

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

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

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

21 § 7002. Safety requirements.

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

24 (1) Only United States Department of Transportation-
25 approved models of propane and natural gas tanks under 49 CFR
26 Pt. 178 (relating to specifications for packagings) may be
27 used on a mobile food vehicle. A tank must be labeled
28 properly with prominent safety placards, in accordance with
29 49 CFR Pt. 178, and must be equipped with a regulator as
30 prescribed by the National Fire Protection Association Code.

1 A quick-connect device may not be used, except on a chassis-
2 mounted tank that is equipped with a manual shutoff.

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

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

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

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

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

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

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

1 (i) In motion.

2 (ii) Unattended.

3 (iii) Stored overnight.

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

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

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

19 (7) The following shall apply to inspection:

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

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

29 (iii) If the report identifies an unsafe condition
30 in the operation of the propane or natural gas system,

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

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

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

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

28 (10) Records pertaining to refills and exchanges of
29 tanks for a mobile food vehicle must be kept by the facility
30 and by the operator of the mobile food vehicle for a period

1 of one year. Such records shall be readily available upon the
2 request of any agency or department of the city.

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

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

15 § 7003. Enforcement and penalties.

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

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

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

25 (b) Penalties.--

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

1 offense for the purposes of this paragraph and paragraph (2).

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

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

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

17 (d) Hearings and appeals.--

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

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

27 (3) A person aggrieved by a formal action of the
28 enforcement agency under this section may appeal to any
29 review board operating in the city for the hearing of appeals
30 from actions of agencies and departments of the city. If a

1 review board is not operating in the city, the person may
2 appeal to the court of common pleas for the county in which
3 the city is located.

4 § 7004. Regulations.

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

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