
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1489 Session of
2015

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GALLOWAY AND KORTZ, 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.

1 7002. Safety requirements.

2 7003. Enforcement and penalties.

3 7004. Regulations.

4 § 7001. Definitions.

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

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

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

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

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

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

22 § 7002. Safety requirements.

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

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

1 prescribed by the National Fire Protection Association Code.
2 A quick-connect device may not be used, except on a chassis-
3 mounted tank that is equipped with a manual shutoff.

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

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

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

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

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

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

30 (3) A propane or natural gas tank must be turned off

1 when the mobile food vehicle is any of the following:

2 (i) In motion.

3 (ii) Unattended.

4 (iii) Stored overnight.

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

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

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

20 (7) The following shall apply to inspection:

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

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

30 (iii) If the report identifies an unsafe condition

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

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

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

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

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

1 and by the operator of the mobile food vehicle for a period
2 of one year. Such records shall be readily available upon the
3 request of any agency or department of the city.

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

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

16 § 7003. Enforcement and penalties.

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

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

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

26 (b) Penalties.--

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

1 day the violation continues shall be deemed a separate
2 offense for the purposes of this paragraph and paragraph (2).

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

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

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

18 (d) Hearings and appeals.--

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

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

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

1 from actions of agencies and departments of the city. If a
2 review board is not operating in the city, the person may
3 appeal to the court of common pleas for the county in which
4 the city is located.

5 § 7004. Regulations.

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

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