

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 736 Session of 2021

INTRODUCED BY LANGERHOLC, PHILLIPS-HILL, ARGALL, J. WARD, COSTA, BAKER, MASTRIANO, STEFANO, VOGEL AND BROOKS, JUNE 4, 2021

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 21, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR <--
3 DEFINITIONS; AND, in registration of vehicles, further <--
4 providing for use of farm vehicle plates-; CONSOLIDATING THE <--
5 ACT OF FEBRUARY 11, 1998 (P.L.58, NO.15), KNOWN AS THE
6 COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT, FURTHER PROVIDING FOR
7 REGULATIONS AND FOR EMERGENCY CONTROLS AND ELECTRICAL
8 DISCONNECTS; AND MAKING A RELATED REPEAL.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 1344(a)(3) of Title 75 of the <--
12 Pennsylvania Consolidated Statutes is amended to read:~~

13 SECTION 1. THE DEFINITION OF "FARM VEHICLE" IN SECTION 102 <--
14 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED
15 TO READ:

16 § 102. DEFINITIONS.

17 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
18 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
19 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
20 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY

1 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

2 * * *

3 "FARM VEHICLE." [A TRUCK OR TRUCK TRACTOR DETERMINED BY THE
4 DEPARTMENT OF TRANSPORTATION TO BE USED EXCLUSIVELY FOR
5 AGRICULTURAL PURPOSES.] ANY OF THE FOLLOWING THAT THE DEPARTMENT
6 OF TRANSPORTATION HAS DETERMINED TO BE USED EXCLUSIVELY FOR
7 AGRICULTURAL PURPOSES:

8 (1) PASSENGER CAR.

9 (2) TRUCK.

10 (3) TRUCK TRACTOR.

11 * * *

12 SECTION 2. SECTION 1344(A) INTRODUCTORY PARAGRAPH AND (3) OF
13 TITLE 75 ARE AMENDED TO READ:

14 § 1344. Use of farm vehicle plates.

15 (a) General rule.--A PASSENGER CAR, truck or truck tractor <--
16 bearing farm vehicle registration plates shall be used
17 exclusively upon a farm or farms owned or operated by the
18 registrant of the vehicle or upon highways between:

19 * * *

20 (3) Such a farm or farms and a place of business or
21 place of residence for the purpose of buying or selling
22 agricultural commodities or supplies, regardless of whether
23 the vehicle is operated by the registrant of the vehicle or
24 an employee of the registrant of the vehicle.

25 * * *

26 SECTION 2.1. TITLE 75 IS AMENDED BY ADDING A CHAPTER TO <--
27 READ:

28 CHAPTER 88

29 COMBUSTIBLE AND FLAMMABLE LIQUIDS

30 SEC.

1 8801. SCOPE OF CHAPTER.

2 8802. DEFINITIONS.

3 8803. TRANSFER OF FUNCTIONS.

4 8803.1. NOTIFICATION BY MANUFACTURERS OF GASOLINE ADDITIVE
5 INFORMATION.

6 8804. REGULATIONS.

7 8805. PERMITS.

8 8806. (RESERVED).

9 8807. RETAIL SERVICE STATIONS.

10 8808. INVESTIGATION.

11 8809. ORDERS.

12 8810. PROHIBITIONS.

13 8811. PENALTIES AND REMEDIES.

14 8812. APPLICABILITY.

15 § 8801. SCOPE OF CHAPTER.

16 THIS CHAPTER RELATES TO COMBUSTIBLE AND FLAMMABLE LIQUIDS.

17 § 8802. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "BOARD." THE INDUSTRIAL BOARD OF THE COMMONWEALTH.

22 "COMBUSTIBLE LIQUID." A LIQUID HAVING A CLOSED CUP FLASH
23 POINT AT OR ABOVE 100° F (37.8° C).

24 "FLAMMABLE LIQUID." A LIQUID HAVING A CLOSED CUP FLASH POINT
25 BELOW 100° F (37.8° C) AND HAVING A VAPOR PRESSURE NOT EXCEEDING
26 40 POUNDS PER SQUARE INCH, ABSOLUTE (2068 MILLIMETERS HG) AT
27 100° F (37.8° C).

28 "PERSON." AN INDIVIDUAL, CORPORATION OR PARTNERSHIP.

29 "RETAIL SERVICE STATION." A PLACE OF BUSINESS ENGAGING IN
30 THE SALE AT RETAIL IN THIS COMMONWEALTH OF GASOLINE, DIESEL FUEL

1 OR KEROSENE.

2 "STORAGE TANK." A VESSEL WHICH:

3 (1) HAS A LIQUID CAPACITY IN EXCESS OF 30 GALLONS (113.5
4 LITERS);

5 (2) IS INTENDED FOR FIXED INSTALLATION; AND

6 (3) IS NOT USED FOR PROCESSING WHICH SHALL BE DEEMED TO
7 INCLUDE, BUT NOT BE LIMITED TO, USE OF TANKS TO SEPARATE
8 CRUDE OIL AND WATER PRIOR TO AND AT THE POINT OF CRUDE OIL
9 CUSTODY TRANSFER.

10 § 8803. TRANSFER OF FUNCTIONS.

11 THE POWERS AND DUTIES OF THE PENNSYLVANIA STATE POLICE
12 RELATING TO COMBUSTIBLE LIQUIDS OR FLAMMABLE LIQUIDS UNDER THE
13 ACT OF APRIL 27, 1927 (P.L.450, NO.291), REFERRED TO AS THE
14 STATE FIRE MARSHAL LAW, ARE TRANSFERRED TO THE DEPARTMENT OF
15 LABOR AND INDUSTRY.

16 § 8803.1. NOTIFICATION BY MANUFACTURERS OF GASOLINE ADDITIVE
17 INFORMATION.

18 A PERSON THAT DISTRIBUTES GASOLINE OR THAT OWNS OR OPERATES A
19 RETAIL SERVICE STATION MAY NOT MAKE A REPRESENTATION RESPECTING
20 THE ANTIKNOCK CHARACTERISTICS OF THE GASOLINE UNLESS THE
21 REPRESENTATION DISCLOSES THE MINIMUM ANTIKNOCK INDEX
22 REQUIREMENTS OF THE FUEL AS ADOPTED BY THE NATIONAL CONFERENCE
23 OF WEIGHTS AND MEASURES AND PUBLISHED IN HANDBOOK 130, AND
24 SUPPLEMENTS THERETO, OR IN ANY PUBLICATION REVISING OR
25 SUPERSEDING HANDBOOK 130. THE DEPARTMENT OF LABOR AND INDUSTRY
26 MAY ISSUE A STOP-SALE NOTICE TO A PERSON THAT DISTRIBUTES
27 GASOLINE OR THAT OWNS OR OPERATES A RETAIL SERVICE STATION IF
28 THE PERSON IS IN VIOLATION OF THIS SECTION.

29 § 8804. REGULATIONS.

30 (A) AUTHORITY.--

1 (1) THE DEPARTMENT OF LABOR AND INDUSTRY MAY PROMULGATE
2 REGULATIONS GOVERNING THE POSSESSION, USE, STORAGE AND SALE
3 OF COMBUSTIBLE LIQUIDS OR FLAMMABLE LIQUIDS. REGULATIONS
4 UNDER THIS PARAGRAPH MUST BE BASED UPON GENERALLY ACCEPTED
5 NATIONAL OR INTERNATIONAL STANDARDS, EXCEPT THAT REGULATIONS
6 PROVIDING FOR EMERGENCY CONTROLS, INCLUDING SWITCHES, SHALL
7 BE BASED UPON SUBSECTION (C.1).

8 (2) TO PROVIDE STANDARDS FOR THE STORAGE AND DISPENSING
9 OF COMPRESSED NATURAL GAS AS A VEHICULAR FUEL IN FLEET AND
10 PUBLIC DISPENSING OPERATIONS, THE DEPARTMENT OF LABOR AND
11 INDUSTRY SHALL PROMULGATE REGULATIONS WHICH ADOPT THE
12 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD FOR COMPRESSED
13 NATURAL GAS VEHICULAR FUEL SYSTEMS (NFPA 52), EXCLUDING
14 PROVISIONS ON ENGINE FUEL SYSTEMS.

15 (B) (RESERVED).

16 (C) (RESERVED).

17 (C.1) EMERGENCY CONTROLS AND ELECTRICAL DISCONNECTS.--

18 (1) FUEL-DISPENSING SYSTEMS SHALL BE PROVIDED WITH ONE
19 OR MORE CLEARLY IDENTIFIED EMERGENCY SHUT-OFF DEVICES OR
20 ELECTRICAL DISCONNECTS. THE DEVICES OR DISCONNECTS SHALL BE
21 INSTALLED IN APPROVED LOCATIONS NOT LESS THAN 20 FEET NOR
22 MORE THAN 100 FEET FROM THE FUEL-DISPENSING DEVICES THAT THE
23 DEVICES OR DISCONNECTS SERVE. THE FARTHEST FUEL-DISPENSING
24 DEVICE SHALL BE NO MORE THAN 350 FEET FROM THE MASTER CONTROL
25 EMERGENCY SHUT-OFF DEVICE. EMERGENCY SHUT-OFF DEVICES OR
26 ELECTRICAL DISCONNECTS SHALL DISCONNECT POWER TO:

27 (I) ALL DISPENSING DEVICES.

28 (II) ALL REMOTE PUMPS SERVING THE DISPENSING
29 DEVICES.

30 (III) ALL ASSOCIATED POWER, CONTROL AND SIGNAL

1 CIRCUITS.

2 (IV) ALL OTHER ELECTRICAL EQUIPMENT IN HAZARDOUS OR
3 CLASSIFIED LOCATIONS SURROUNDING THE FUEL-DISPENSING
4 DEVICES.

5 (2) IF MORE THAN ONE EMERGENCY SHUT-OFF DEVICE OR
6 ELECTRICAL DISCONNECT IS PROVIDED, EACH DEVICE SHALL BE
7 INTERCONNECTED. RESETTING FROM AN EMERGENCY SHUT-OFF
8 CONDITION SHALL REQUIRE MANUAL INTERVENTION, AND THE MANNER
9 OF RESETTING SHALL BE APPROVED BY THE AUTHORITY HAVING
10 JURISDICTION.

11 (3) THERE SHALL BE A MASTER CONTROL EMERGENCY SHUT-OFF
12 DEVICE, AND THE DEVICE SHALL BE WITHIN 15 FEET OF THE
13 PRINCIPAL LOCATION OF THE ATTENDANT.

14 (4) AT ATTENDED MOTOR FUEL-DISPENSING FACILITIES, THE
15 DEVICES OR DISCONNECTS SHALL BE READILY ACCESSIBLE TO THE
16 ATTENDANT.

17 (5) AT UNATTENDED MOTOR FUEL-DISPENSING FACILITIES, THE
18 DEVICES OR DISCONNECTS SHALL BE READILY ACCESSIBLE TO
19 PATRONS, AND AT LEAST ONE ADDITIONAL DEVICE OR DISCONNECT
20 SHALL BE READILY ACCESSIBLE TO EACH GROUP OF DISPENSING
21 DEVICES ON AN INDIVIDUAL ISLAND.

22 (6) EACH FUEL-DISPENSING DEVICE SHALL BE IN CLEAR VIEW
23 OF THE ATTENDANT AT ALL TIMES. THE DISPENSING OF FUEL AT EACH
24 FUEL-DISPENSING DEVICE SHALL BE IN CLEAR VIEW OF THE
25 ATTENDANT, AND NO OBSTACLE SHALL BE PERMITTED BETWEEN THE
26 DISPENSING OPERATION AND THE ATTENDANT SO AS TO OBSTRUCT THE
27 VIEW OF THE ATTENDANT.

28 (D) OPERATING REQUIREMENTS FOR ATTENDED SELF-SERVICE MOTOR
29 FUEL-DISPENSING FACILITIES.--

30 (1) THERE SHALL BE AT LEAST ONE ATTENDANT ON DUTY WHILE

1 A SELF-SERVICE MOTOR FUEL-DISPENSING FACILITY IS OPEN FOR
2 BUSINESS. THE ATTENDANT'S PRIMARY FUNCTION SHALL BE TO
3 SUPERVISE, OBSERVE AND CONTROL THE DISPENSING OF CLASS I
4 LIQUIDS WHILE THE CLASS I LIQUIDS ARE BEING DISPENSED.

5 (2) AS USED IN THIS SUBSECTION, THE TERM "SELF-SERVICE
6 MOTOR FUEL-DISPENSING FACILITY" SHALL MEAN THAT PORTION OF A
7 PROPERTY WHERE LIQUIDS USED AS MOTOR FUELS ARE STORED AND
8 DISPENSED FROM FIXED, APPROVED DISPENSING EQUIPMENT INTO THE
9 FUEL TANKS OF MOTOR VEHICLES BY PERSONS OTHER THAN THE
10 FACILITY ATTENDANT AND SHALL ALSO INCLUDE, WHERE PROVIDED,
11 FACILITIES FOR THE SALE OF OTHER RETAIL PRODUCTS.

12 (E) ATTENDANT RESPONSIBILITIES.--IT SHALL BE THE
13 RESPONSIBILITY OF AN ATTENDANT TO:

14 (1) ENSURE THE DISPENSING OF CLASS I LIQUIDS INTO
15 PORTABLE CONTAINERS AS PROVIDED UNDER SECTION 8807(C)
16 (RELATING TO RETAIL SERVICE STATIONS).

17 (2) ENSURE THE USE OF HOSE NOZZLE VALVE LATCH-OPEN
18 DEVICES AS PROVIDED UNDER SECTION 8807(B).

19 (3) CONTROL SOURCES OF IGNITION.

20 (4) IMMEDIATELY ACTIVATE EMERGENCY CONTROLS AND NOTIFY
21 THE FIRE DEPARTMENT OF A FIRE OR OTHER EMERGENCY.

22 (5) HANDLE ACCIDENTAL SPILLS AND FIRE EXTINGUISHERS IF
23 NEEDED.

24 (F) CAPABILITIES.--THE ATTENDANT OR SUPERVISOR ON DUTY SHALL
25 BE MENTALLY AND PHYSICALLY CAPABLE OF PERFORMING THE FUNCTIONS
26 AND ASSUMING THE RESPONSIBILITY PRESCRIBED IN THIS CHAPTER.

27 (G) OPERATING INSTRUCTIONS.--OPERATING INSTRUCTIONS SHALL BE
28 CONSPICUOUSLY POSTED IN THE DISPENSING AREA.

29 (H) APPLICABILITY.--SUBSECTIONS (C.1), (D), (E), (F) AND (G)
30 SHALL APPLY TO ANY NEW MODIFICATION, CONSTRUCTION OR

1 INSTALLATION OF FUEL-DISPENSING SYSTEMS AND THEIR COMPONENTS
2 THAT DISPENSE FUEL. EXISTING ATTENDED MOTOR FUEL-DISPENSING
3 FACILITIES SHALL NOT BE REQUIRED TO INSTALL ADDITIONAL EMERGENCY
4 SHUT-OFF DEVICES OR ELECTRICAL DISCONNECTS, IF THE PRIMARY
5 EMERGENCY SHUT-OFF SWITCH IS NOT MORE THAN 15 FEET FROM THE
6 PRINCIPAL CONTROL LOCATION OF THE ATTENDANT AND NOT MORE THAN
7 125 FEET FROM THE FARTHEST MOTOR FUEL-DISPENSING DEVICE. THIS
8 SUBSECTION SHALL APPLY TO TANK STORAGE SYSTEMS, PIPING SYSTEMS
9 AND ELECTRICAL INSTALLATIONS. SUBSECTIONS (D), (E), (F) AND (G)
10 SHALL APPLY TO EACH EXISTING ATTENDED MOTOR FUEL-DISPENSING
11 FACILITY.

12 § 8805. PERMITS.

13 (A) REQUIREMENTS.--

14 (1) A PERSON MAY NOT INSTALL, REPLACE OR RELOCATE A
15 TANK, PUMP OR DRAWING-OFF DEVICE IN CONNECTION WITH THE
16 POSSESSION, USE, STORAGE OR SALE OF COMBUSTIBLE LIQUIDS OR
17 FLAMMABLE LIQUIDS IN AN AGGREGATE CAPACITY IN EXCESS OF 30
18 GALLONS UNLESS THE PERSON HAS A PERMIT FROM THE DEPARTMENT OF
19 LABOR AND INDUSTRY.

20 (2) A PERSON MAY NOT INSTALL, REPLACE OR RELOCATE A
21 CONTAINER, PRESSURE VESSEL OR PIECE OF COMPRESSION EQUIPMENT
22 FOR THE STORAGE AND DISPENSING OF COMPRESSED NATURAL GAS AS A
23 VEHICULAR FUEL IN FLEET AND PUBLIC DISPENSING OPERATIONS
24 UNLESS THE PERSON HAS A PERMIT FROM THE DEPARTMENT OF LABOR
25 AND INDUSTRY.

26 (B) PROCEDURE.--

27 (1) TO RECEIVE OR RENEW A PERMIT UNDER THIS SECTION, AN
28 APPLICANT MUST SUBMIT AN APPLICATION IN A FORM PRESCRIBED BY
29 THE DEPARTMENT OF LABOR AND INDUSTRY.

30 (2) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL MAKE A

1 DECISION ON PERMIT ISSUANCE BASED UPON THE APPLICANT'S
2 ABILITY TO SAFELY HANDLE COMBUSTIBLE LIQUIDS OR FLAMMABLE
3 LIQUIDS IN ACCORDANCE WITH REGULATIONS UNDER SECTION 8804
4 (RELATING TO REGULATIONS).

5 (3) AN APPLICANT MAY APPEAL A DENIAL OF PERMIT ISSUANCE
6 UNDER PARAGRAPH (2) TO THE BOARD. THE BOARD'S AFFIRMANCE OF A
7 DENIAL CONSTITUTES A FINAL ORDER. THIS PARAGRAPH SHALL BE
8 SUBJECT TO 2 PA.C.S. CHS. 5 SUBCH. A (RELATING TO PRACTICE
9 AND PROCEDURE OF COMMONWEALTH AGENCIES) AND 7 SUBCH. A
10 (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

11 § 8806. (RESERVED).

12 § 8807. RETAIL SERVICE STATIONS.

13 (A) KEROSENE.--AT A RETAIL SERVICE STATION, THE INTAKE OR
14 RECEIVING PIPE OPENING FOR A KEROSENE STORAGE TANK SHALL BE
15 SMALLER THAN THE NOZZLE ON THE HOSE USED TO DELIVER GASOLINE OR
16 DIESEL FUEL INTO THE STORAGE TANK.

17 (B) SELF-SERVICE.--AN ATTENDED SELF-SERVICE GASOLINE STATION
18 MAY USE A HOLD-OPEN GASOLINE-DISPENSING OR HOLD-OPEN DIESEL
19 FUEL-DISPENSING NOZZLE IF ALL OF THE FOLLOWING ARE MET:

20 (1) THE NOZZLE MEETS SAFETY STANDARDS ADOPTED BY
21 REGULATION OF THE DEPARTMENT OF LABOR AND INDUSTRY.

22 (2) A SIGN IS POSTED INDICATING THAT PENNSYLVANIA LAW
23 REQUIRES THAT ANY PERSON, OTHER THAN THE ATTENDANT, WHO USES
24 A HOLD-OPEN GASOLINE-DISPENSING OR HOLD-OPEN DIESEL FUEL-
25 DISPENSING NOZZLE SHALL REMAIN WITHIN 10 FEET AND WITHIN
26 PLAIN SIGHT OF THE REFUELING POINT DURING THE REFUELING
27 OPERATION.

28 (C) PORTABLE CONTAINER SPECIFICATIONS.--

29 (1) IN ADDITION TO ESTABLISHED CONTAINER CONSTRUCTION
30 REQUIREMENTS UNDER 34 PA. CODE § 14.7 (RELATING TO CONTAINER

1 CONSTRUCTION), PORTABLE CONTAINERS USED FOR THE STORAGE AND
2 HANDLING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS SHALL BE COLOR-
3 CODED TO PROPERLY IDENTIFY THE CONTENTS OF THE CONTAINER AS
4 FOLLOWS:

5 (I) BLUE SHALL REPRESENT KEROSENE.

6 (II) RED SHALL REPRESENT GASOLINE.

7 (III) YELLOW SHALL REPRESENT DIESEL.

8 (2) NO OTHER COLOR MAY BE USED FOR PORTABLE CONTAINERS
9 AS PROVIDED FOR UNDER THIS SECTION WHICH ARE USED FOR THE
10 STORAGE AND HANDLING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS. AT
11 LEAST 75% OF THE SURFACE AREA OF THE CONTAINER SHALL BE OF
12 THE REQUIRED COLOR.

13 (D) ATTENDED SELF-SERVICE STATION OPERATOR FACILITIES.--IT
14 IS THE RESPONSIBILITY OF THE OPERATOR OF THE ATTENDED SELF-
15 SERVICE STATION TO FAMILIARIZE ATTENDANT EMPLOYEES WITH THE
16 LOCATION AND OPERATION OF THE STATION'S EMERGENCY FUEL SHUT-OFF
17 SWITCH.

18 (E) SIGNAGE.--THE DEPARTMENT OF LABOR AND INDUSTRY SHALL, BY
19 REGULATION, IMPLEMENT STANDARDS FOR SIGNAGE TO BE PLACED IN THE
20 AREA OF A RETAIL SERVICE STATION WHERE GASOLINE, DIESEL FUEL OR
21 KEROSENE IS DISPENSED. THE DEPARTMENT OF LABOR AND INDUSTRY
22 SHALL REQUIRE THAT THE SIGNS SHALL BE CONSPICUOUSLY POSTED AND
23 INCLUDE WARNINGS OR NOTICES RELATED TO:

24 (1) SMOKING PROHIBITIONS;

25 (2) REQUIREMENTS FOR THE USE OF HOLD-OPEN GASOLINE-
26 DISPENSING OR HOLD-OPEN DIESEL FUEL-DISPENSING NOZZLES;

27 (3) PORTABLE CONTAINER USE AND SPECIFICATIONS;

28 (4) STATIC ELECTRICITY HAZARDS; AND

29 (5) OTHER SAFETY HAZARDS AS DETERMINED BY THE DEPARTMENT
30 OF LABOR AND INDUSTRY THROUGH REGULATION.

1 § 8808. INVESTIGATION.

2 (A) REGULATED PERSONS.--AN AGENT OR EMPLOYEE OF THE
3 DEPARTMENT OF LABOR AND INDUSTRY MAY ENTER, DURING NORMAL
4 BUSINESS HOURS, THE PREMISES OF AN APPLICANT OR PERMITTEE TO DO
5 ANY OF THE FOLLOWING:

6 (1) MAKE DETERMINATIONS UNDER SECTION 8805(B)(2)
7 (RELATING TO PERMITS).

8 (2) ASCERTAIN VIOLATIONS OF THIS CHAPTER AND REGULATIONS
9 PROMULGATED UNDER THIS CHAPTER.

10 (3) INSPECT TANKS, PUMPS, DRAWING-OFF DEVICES,
11 CONTAINERS, PRESSURE VESSELS OR COMPRESSION EQUIPMENT TO
12 ASSURE COMPLIANCE WITH THIS CHAPTER AND REGULATIONS
13 PROMULGATED UNDER THIS CHAPTER.

14 (B) GENERAL.--THE DEPARTMENT OF LABOR AND INDUSTRY MAY
15 INVESTIGATE VIOLATIONS OF THIS CHAPTER AND REGULATIONS UNDER
16 THIS CHAPTER, INCLUDING SEEKING SEARCH WARRANTS.

17 § 8809. ORDERS.

18 (A) AUTHORITY.--AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF
19 LABOR AND INDUSTRY MAY, UPON DISCOVERING A VIOLATION OF THIS
20 CHAPTER OR A REGULATION UNDER THIS CHAPTER, ISSUE AN ORDER TO
21 PLACE A TANK, PUMP OR DRAWING-OFF DEVICE OUT OF SERVICE. AN
22 ORDER UNDER THIS SECTION MUST COMPLY WITH ALL OF THE FOLLOWING:

23 (1) BE IN WRITING.

24 (2) STATE THE CORRECTIVE ACTION NECESSARY.

25 (B) APPEAL.--

26 (1) A PERSON MAY APPEAL TO THE BOARD THE ISSUANCE OF AN
27 ORDER UNDER SUBSECTION (A). THE APPEAL SHALL NOT OPERATE AS A
28 SUPERSEDEAS.

29 (2) THIS SUBSECTION IS SUBJECT TO 2 PA.C.S. CHS. 5
30 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH

1 AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
2 COMMONWEALTH AGENCY ACTION).

3 § 8810. PROHIBITIONS.

4 A PERSON MAY NOT DO ANY OF THE FOLLOWING:

5 (1) HINDER, DELAY OR INTERFERE WITH THE DEPARTMENT OF
6 LABOR AND INDUSTRY'S ENFORCEMENT OF THIS CHAPTER OR
7 REGULATIONS PROMULGATED UNDER THIS CHAPTER.

8 (2) FAIL TO PLACE OUT OF SERVICE, IN ACCORDANCE WITH AN
9 ORDER OF THE DEPARTMENT OF LABOR AND INDUSTRY, A TANK, PUMP
10 OR DRAWING-OFF DEVICE FOR THE POSSESSION, USE, STORAGE OR
11 SALE OF COMBUSTIBLE LIQUIDS OR FLAMMABLE LIQUIDS.

12 (3) CAUSE OR PERMIT A DELIVERY OR ACCEPTANCE OF FUEL
13 INTO A KEROSENE STORAGE TANK IN VIOLATION OF SECTION 8807(A)
14 (RELATING TO RETAIL SERVICE STATIONS). EACH DELIVERY OR
15 ACCEPTANCE CONSTITUTES A SEPARATE OFFENSE.

16 (4) FAIL TO REMAIN AT A LOCATION NO MORE THAN 10 FEET
17 FROM THE NOZZLE BEING UTILIZED AND WITHIN PLAIN SIGHT OF THE
18 NOZZLE DURING THE USE OF HOLD-OPEN GASOLINE-DISPENSING OR
19 HOLD-OPEN DIESEL FUEL-DISPENSING NOZZLES IF THE SIGN REQUIRED
20 UNDER SECTION 8807(B) (2) IS POSTED. RESPONSIBILITY FOR
21 COMPLIANCE WITH THIS PARAGRAPH SHALL RESIDE EXCLUSIVELY WITH
22 THE PERSON UTILIZING A HOLD-OPEN DEVICE.

23 (5) USE OR OPERATE ANY OF THE EMERGENCY CONTROLS OR
24 ELECTRICAL DISCONNECTS TO CONTROL THE DISPENSING DEVICES
25 OTHER THAN FOR AN EMERGENCY. AN ATTENDANT MAY USE OR OPERATE
26 ANY OF THE EMERGENCY DEVICES OR ELECTRICAL DISCONNECTS FOR
27 SECURITY OR ANTITHEFT PURPOSES.

28 § 8811. PENALTIES AND REMEDIES.

29 (A) INITIAL OFFENSE.--EXCEPT AS PROVIDED FOR UNDER
30 SUBSECTION (C), A PERSON THAT VIOLATES THIS CHAPTER OR A

1 REGULATION UNDER THIS CHAPTER COMMITS A SUMMARY OFFENSE AND,
2 UPON CONVICTION, SHALL BE SENTENCED TO PAY A FINE OF \$500.

3 (B) SUBSEQUENT OFFENSES.--A PERSON THAT, AFTER BEING
4 SENTENCED UNDER SUBSECTION (A), VIOLATES THIS CHAPTER OR A
5 REGULATION UNDER THIS CHAPTER COMMITS A SUMMARY OFFENSE AND,
6 UPON CONVICTION, SHALL BE SENTENCED TO PAY A FINE OF \$1,000.

7 (C) IMPROPER CONTAINER.--A PERSON WHO VIOLATES SECTION
8 8807(C) (RELATING TO RETAIL SERVICE STATIONS) RELATING TO
9 PORTABLE CONTAINER SPECIFICATIONS COMMITS A SUMMARY OFFENSE AND,
10 UPON CONVICTION, SHALL BE SENTENCED TO PAY A FINE OF NOT MORE
11 THAN \$100. THE RESPONSIBILITY FOR COMPLIANCE WITH SECTION
12 8807(C) SHALL RESIDE EXCLUSIVELY WITH PERSONS WHO USE PORTABLE
13 CONTAINERS TO STORE OR HANDLE FLAMMABLE COMBUSTIBLE LIQUIDS. THE
14 FILLING OF THE CONTAINERS IN CONNECTION WITH THE SALE OR
15 DISTRIBUTION OF GASOLINE OR KEROSENE SHALL NOT CONSTITUTE AN ACT
16 OF STORAGE OR HANDLING FOR PURPOSES OF THIS SECTION, AND NO
17 SELLER SHALL INCUR CIVIL LIABILITY FOR FAILURE TO PROPERLY
18 IDENTIFY THE CONTENTS OF THE CONTAINERS.

19 (D) RESTITUTION.--IF THE SIGN REQUIRED UNDER SECTION 8807(B)
20 (2) IS POSTED, A PERSON THAT VIOLATES SECTION 8810(4) (RELATING
21 TO PROHIBITIONS) SHALL BE LIABLE FOR PAYMENT OF ALL
22 ENVIRONMENTAL CLEANUP COSTS ASSOCIATED WITH A FUEL SPILL
23 RESULTING FROM THE PERSON'S VIOLATION OF SECTION 8810(4).

24 § 8812. APPLICABILITY.

25 THIS CHAPTER SHALL NOT APPLY TO THE POSSESSION, USE OR
26 STORAGE BY A FARM OF MOTOR FUEL FOR NONCOMMERCIAL PURPOSES OR A
27 SUBSTANCE TO FACILITATE THE PRODUCTION OF CROPS, LIVESTOCK AND
28 LIVESTOCK PRODUCTS. THIS CHAPTER SHALL NOT APPLY TO A TANK IN
29 WHICH THE MOTOR FUEL OR SUBSTANCE IS STORED BY A FARM.

30 SECTION 2.2. REPEALS ARE AS FOLLOWS:

1 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
2 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 75
3 PA.C.S. CH. 88.

4 (2) THE ACT OF FEBRUARY 11, 1998 (P.L.58, NO.15), KNOWN
5 AS THE COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT, IS REPEALED.

6 SECTION 2.3. THE ADDITION OF 75 PA.C.S. CH. 88 IS A
7 CONTINUATION OF THE ACT OF FEBRUARY 11, 1998 (P.L.58, NO.15),
8 KNOWN AS THE COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT. THE
9 FOLLOWING APPLY:

10 (1) EXCEPT AS OTHERWISE PROVIDED IN 75 PA.C.S. CH. 88,
11 ALL ACTIVITIES INITIATED UNDER THE COMBUSTIBLE AND FLAMMABLE
12 LIQUIDS ACT SHALL CONTINUE AND REMAIN IN FULL FORCE AND
13 EFFECT AND MAY BE COMPLETED UNDER 75 PA.C.S. CH. 88. ORDERS,
14 REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER THE
15 COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT AND WHICH ARE IN EFFECT
16 ON THE EFFECTIVE DATE OF SECTION 2.2 OF THIS ACT SHALL REMAIN
17 IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED
18 UNDER 75 PA.C.S. CH. 88. CONTRACTS, OBLIGATIONS AND
19 COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO UNDER THE
20 COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT ARE NOT AFFECTED NOR
21 IMPAIRED BY THE REPEAL OF THE COMBUSTIBLE AND FLAMMABLE
22 LIQUIDS ACT.

23 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE
24 IN LANGUAGE BETWEEN 75 PA.C.S. CH. 88 AND THE COMBUSTIBLE AND
25 FLAMMABLE LIQUIDS ACT IS INTENDED ONLY TO CONFORM TO THE
26 STYLE OF THE PENNSYLVANIA CONSOLIDATED STATUTES AND IS NOT
27 INTENDED TO CHANGE OR AFFECT THE LEGISLATIVE INTENT, JUDICIAL
28 CONSTRUCTION OR ADMINISTRATION AND IMPLEMENTATION OF THE
29 COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT.

30 (3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF 75

1 PA.C.S. § 8804(B) AND (C.1)(1).

2 Section ~~2~~ 3. This act shall take effect in 60 days.

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