HOUSE BILL NO. 748

AN ACT TO PROVIDE FOR THE IDENTIFICATION MARKING OF LIQUEFIED PETROLEUM GAS CONTAINERS AND TO PROVIDE THAT THE OWNER OF THE CONTAINER IS THE ONLY PERSON ALLOWED TO FILL THE CONTAINER; TO PROVIDE DEFINITIONS; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. For purposes of this act:

(a) "Person" means any person, persons, firm, firms, corporation or corporations.

(b) "Owner" means any person who holds a written bill of sale or other instrument under which title to the container was transferred to such person, any person who holds a paid or receipted invoice showing purchase and payment of such container, any person whose name, initials, mark or other identifying device has been plainly and legibly stamped or otherwise shown upon the surface of such container for a period of not less than one (1) year before the final enactment and approval of this act or any manufacturer of a container who has not sold or transferred ownership thereof by written bill of sale or otherwise.

(c) "Liquefied petroleum gas" means any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and iso-butane) and butylenes.

SECTION 2. This act shall not apply to any liquefied petroleum gas container designed to hold twenty (20) pounds or less of liquefied petroleum gas.

SECTION 3. If a liquefied petroleum gas container shall bear upon the surface thereof in plainly legible characters the name,
mark, initials or other identifying device of the owner thereof,

it shall be unlawful for any person except such owner or a person
authorized in writing by him: (a) to fill such container with, or
withdraw from such container, liquefied petroleum gas or any other
gas or compound; (b) to buy, sell, offer for sale, give, take,
loan, deliver or permit to be delivered or otherwise use, dispose
of or traffic in any such container; or (c) to deface, erase,
obliterate, cover up or otherwise remove or conceal or change any
such name, mark, initials or other identifying device of the owner
or to place the name, mark, initials or other identifying device
of any person other than the owner on such container.

SECTION 4. The use of a liquefied petroleum gas container or
containers by any person other than the person whose name, mark,
initial or device shall be or shall have been upon such liquefied
petroleum gas container or containers, without written consent or
purchase of such marked and distinguished liquefied petroleum gas
container, for the sale of liquefied petroleum gas, filling with
liquefied petroleum gas or the withdrawal of liquefied petroleum
gas or the possession of such liquefied petroleum gas containers
by any person other than the person having his name, mark, initial
or other device thereon, without the written consent of such
owner, is presumptive evidence of the unlawful use, filling or
refilling, transition of or trafficking in of such liquefied
petroleum gas containers.

SECTION 5. Whenever any person, or the president, secretary,
treasurer or other officer of any corporation, or its duly
authorized agent who has personal knowledge of the facts, shall
make oath in writing before any judge that the party so making
such affidavit has reason to believe and does believe that any of
its liquefied petroleum gas containers marked with the name,
initials, mark or other device of the owner, are in the possession
of or being used by or being filled or transferred by, or that
liquefied petroleum gas is being withdrawn from the container by,
any person whose name, initials, mark or other device does not appear on the containers, and who is in the possession of, filling or refilling or using any such containers without the written consent of the owner of such name, initials or trade mark, the judge, when satisfied that there is reasonable cause, may issue a search warrant and cause the premises designated to be searched for the purpose of discovering and obtaining the same and may also cause to be brought before him the person in whose possession such containers may be found and shall then inquire into the circumstances of such possession. If such judge finds that such person has been guilty of a violation of this act, he shall impose the punishment herein prescribed, and he shall also award the possession of property taken upon such search warrant to the owner thereof.

SECTION 6. Any person who fails to comply with any of the provisions of this act is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars ($500.00).

SECTION 7. In an emergency situation, nothing in this act shall prevent a person other than the owner from filling a liquefied petroleum gas container.

SECTION 8. This act shall take effect and be in force from and after July 1, 2003.