

By: Senator(s) Cuevas

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2855

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

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

7 **SECTION 1.** For purposes of this act:

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

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

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

25 **SECTION 3.** If a liquefied petroleum gas container shall bear
26 upon the surface thereof in plainly legible characters the name,
27 mark, initials or other identifying device of the owner thereof,
28 it shall be unlawful for any person except the owner or a person

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

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

51 **SECTION 5.** Whenever any person, or the president, secretary,
52 treasurer or other officer of any corporation, or its duly
53 authorized agent who has personal knowledge of the facts, shall
54 make oath in writing before any judge that the party so making the
55 affidavit has reason to believe and does believe that any of its
56 liquefied petroleum gas containers marked with the name, initials,
57 mark or other device of the owner, are in the possession of or
58 being used by or being filled or transferred by, or that liquefied
59 petroleum gas is being withdrawn from the container by, any person
60 whose name, initials, mark or other device does not appear on the
61 containers, and who is in the possession of, filling or refilling

62 or using any such containers without the written consent of the
63 owner of the name, initials or trade mark, the judge, when
64 satisfied that there is reasonable cause, may issue a search
65 warrant and cause the premises designated to be searched for the
66 purpose of discovering and obtaining the same and may also cause
67 to be brought before him the person in whose possession the
68 containers may be found and shall then inquire into the
69 circumstances of possession. If the judge finds that the person
70 has been guilty of a violation of this act, he shall impose the
71 punishment herein prescribed, and he shall also award the
72 possession of property taken upon the search warrant to the owner
73 thereof.

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

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

81 **SECTION 8.** This act shall take effect and be in force from
82 and after July 1, 2006.