

By: Representative Chism

To: Oil, Gas and Other
Minerals; Judiciary B

HOUSE BILL NO. 1344

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

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

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

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

27 **SECTION 3.** If a liquefied petroleum gas container shall bear
28 upon the surface thereof in plainly legible characters the name,

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

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

53 **SECTION 5.** Whenever any person, or the president, secretary,
54 treasurer or other officer of any corporation, or its duly
55 authorized agent who has personal knowledge of the facts, shall
56 make oath in writing before any judge that the party so making
57 such affidavit has reason to believe and does believe that any of
58 its liquefied petroleum gas containers marked with the name,
59 initials, mark or other device of the owner, are in the possession
60 of or being used by or being filled or transferred by, or that
61 liquefied petroleum gas is being withdrawn from the container by,

62 any person whose name, initials, mark or other device does not
63 appear on the containers, and who is in the possession of, filling
64 or refilling or using any such containers without the written
65 consent of the owner of such name, initials or trade mark, the
66 judge, when satisfied that there is reasonable cause, may issue a
67 search warrant and cause the premises designated to be searched
68 for the purpose of discovering and obtaining the same and may also
69 cause to be brought before him the person in whose possession such
70 containers may be found and shall then inquire into the
71 circumstances of such possession. If such judge finds that such
72 person has been guilty of a violation of this act, he shall impose
73 the punishment herein prescribed, and he shall also award the
74 possession of property taken upon such search warrant to the owner
75 thereof.

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

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

83 **SECTION 8.** This act shall take effect and be in force from
84 and after July 1, 2005.