

HOUSE BILL REPORT

HB 1622

As Reported by House Committee On:
Technology, Energy & Communications
Appropriations

Title: An act relating to regulating liquified petroleum gas.

Brief Description: Regulating liquified petroleum gas.

Sponsors: Representatives P. Sullivan, Crouse and Morris.

Brief History:

Committee Activity:

Technology, Energy & Communications: 2/8/05, 2/24/05 [DPS];
Appropriations: 3/3/05 [DP2S(w/o sub TEC)].

Brief Summary of Second Substitute Bill

- Prohibits a person, other than the owner, from filling or refilling a liquefied petroleum gas container or from removing the owner's identification or devices from the container.
- Creates a civil infraction for violation of this prohibition punishable by a fine of \$1,000 payable to the county in which the violation occurs.

HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Morris, Chair; Kilmer, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks, Hudgins, P. Sullivan, Sump, Takko and Wallace.

Staff: Kara Durbin (786-7133).

Background:

A business owner or homeowner may purchase propane for use in a business application or home appliance. The propane is stored in a non-portable tank on the purchaser's property. The business owner or homeowner owns the propane contained in the tank, but the tank itself is usually owned by the propane company and leased to the purchaser.

Civil infractions are a more expeditious and less expensive method of disposing of minor offenses. Actions that constitute a civil infraction are punishable by a fine only. The

maximum penalty for infractions varies depending on type of violation for which an infraction is issued. The money collected from payment of fines for infractions is typically shared between the jurisdiction processing the violation and the Public Safety and Education Account, or the money may be otherwise distributed according to statute.

Summary of Substitute Bill:

No person other than the owner of a liquefied petroleum gas container, or a person authorized in writing by the owner, may: (a) fill or refill a liquefied petroleum gas container with liquefied petroleum gas or any other gas or compound; or (b) deface, erase, obliterate, cover up, or otherwise remove or conceal any name, mark, initial, or device on a liquefied petroleum gas container.

This provision does not apply to cylinders. A cylinder is defined as a portable container that has less than 239 pounds of water capacity and that is capable of storing liquefied petroleum gas.

A violation of these provisions is punishable by a fine of \$1,000 payable to the county in which the violation occurs.

It is a violation of the Consumer Protection Act to charge a clearly excessive price per Million British thermal units (MBtu) of liquefied petroleum gas to a person who owns their own liquefied petroleum gas container, or to charge more than a reasonable inspection fee in refilling such a container. A clearly excessive price is defined as a price which exceeds 115 percent of the price per MBtu charged to a person who owns their own liquefied gas container.

Substitute Bill Compared to Original Bill:

Deletes the provision that defines "gas appliance," which is not referenced in the bill. Corrects spelling of the word "liquefied" to make it consistent throughout. Makes it a violation of the Consumer Protection Act to sell liquefied petroleum gas to a person who owns their own container at a price that exceeds 115 percent of the price paid by a person who leases their container, or to charge more than a reasonable inspection fee.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: We support this bill. Thirty-two states have enacted similar legislation. The overriding goal is to ensure safety. The owner of the container is the person who knows the

facility and the equipment, and that person is the best person to maintain the safety and integrity of the container.

Testimony Against: None.

Persons Testifying: Mel Sorenson, Dave Brandson, and Gene Wendt, Northwest Propane Gas Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by 29 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Nona Snell (786-7153).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Technology, Energy & Communications:

The second substitute removes the Consumer Protection Act provisions.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.