

SUBSTITUTE FOR  
HOUSE BILL NO. 4900

A bill to amend 1959 PA 241, entitled

"An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,"

by amending sections 2 and 3 (MCL 429.112 and 429.113).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) ~~No~~ A person ~~except the owner thereof or~~  
2 ~~persons authorized in writing by the owner shall fill or refill~~  
3 ~~with~~ **shall not transfer** liquefied petroleum or carbonic gas, or  
4 any other gas or compound, **out of or into a stationary** liquefied  
5 petroleum or carbonic gas container ~~;~~~~or~~ **without the written**  
6 **authorization of the owner of the container.**

7       (2) A person shall not buy, sell, offer for sale, give,  
8 take, loan, deliver, or permit to be delivered, or otherwise  
9 dispose of or traffic in a **stationary** liquefied petroleum or

House Bill No. 4900 (H-1) as amended February 10, 2004

1 carbonic gas container or containers unless the **surface of the**  
2 container ~~shall bear upon the surface thereof~~ **is marked** in  
3 plainly legible characters **with** the name, initials, mark, or  
4 other device of the owner. ~~nor shall any~~

5 (3) A person, other than the owner of a **stationary** liquefied  
6 petroleum or carbonic gas container or a person authorized in  
7 writing by the owner, **shall not** deface, erase, obliterate, cover  
8 up, or otherwise remove or conceal any name, mark, initial, or  
9 device ~~thereon~~ **marked on the surface of the container.**

10 (4) An individual shall not transfer liquefied petroleum or  
11 carbonic gas, or any other gas or compound, out of or into a  
12 stationary liquefied petroleum or carbonic gas container unless  
13 he or she is trained in proper handling and operating procedures  
14 in accordance with rules promulgated by the department of  
15 environmental quality.

16 Sec. 3. ~~Any~~ A person who ~~shall fail to comply with any~~  
17 ~~of the foregoing provisions of this act shall be deemed guilty of~~  
18 ~~a misdemeanor~~ **violates this act is guilty of a felony punishable**  
19 **by imprisonment for not more than 2 years or a fine of not more**  
20 **Than \$1,000.00, or both.** Each ~~container possessed shall be~~  
21 ~~considered~~ **violation is** a separate offense.

[Enacting section 1. This amendatory act takes effect July 1, 2004.]