

# HOUSE BILL No. 4900

June 26, 2003, Introduced by Rep. Julian and referred to the Committee on Regulatory Reform.

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 liquefied petroleum  
5 or carbonic gas container ~~;~~ ~~or~~ **without the written**  
6 **authorization of the owner of the container, given to the owner**  
7 **at least 2 business days before the transfer.**

8           (2) A person shall not buy, sell, offer for sale, give,  
9 take, loan, deliver, or permit to be delivered, or otherwise

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

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

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

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