## SUBSTITUTE FOR

## SENATE BILL NO. 928

## 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 section 3 (MCL 429.113).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) Any A person who shall fail to comply with any
- 2 of the foregoing provisions of this act shall be deemed THAT
- 3 VIOLATES THIS ACT IS guilty of a misdemeanor. Each container
- 4 possessed -shall be considered IN VIOLATION OF THIS ACT IS a
- 5 separate offense.
- 6 (2) A PERSON MAY BRING A CIVIL ACTION AGAINST A PERSON THAT
- 7 VIOLATES SECTION 2(1) FOR DAMAGES OR EQUITABLE RELIEF. IN AN

- 1 ACTION FOR DAMAGES, THE PERSON MAY RECOVER ACTUAL DAMAGES OR
- 2 \$2,000.00, WHICHEVER IS GREATER, FOR EACH VIOLATION OF SECTION 2(1)
- 3 AND COSTS AND REASONABLE ATTORNEY FEES.
- 4 (3) A PERSON WHO BRINGS AN ACTION IN A COURT IN THIS STATE TO
- 5 COLLECT PAYMENT FOR TRANSFERRING LIQUEFIED PETROLEUM OR CARBONIC
- 6 GAS INTO OR OUT OF A STATIONARY LIQUEFIED PETROLEUM OR CARBONIC GAS
- 7 CONTAINER MUST ALLEGE AND PROVE THAT THE PERSON COMPLIED WITH
- 8 SECTION 2(1) IN THE TRANSFER OF THE GAS TO PREVAIL IN THAT ACTION.
- 9 Enacting section 1. This amendatory act takes effect July 1,
- **10** 2006.
- 11 Enacting section 2. This amendatory act does not take effect
- 12 unless Senate Bill No. 927 of the 93rd Legislature is enacted into
- **13** law.