

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.