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LIQUEFIED PETROLEUM AND CARBONIC GAS CONTAINERS

House Bill 4900

Committee: Regulatory Reform

House Bill 5003

Committee: Criminal Justice

Sponsor: Larry Julian

Complete to 1-16-04

A SUMMARY OF HOUSE BILL 4900 AS INTRODUCED 6-26-03 AND HOUSE BILL 5003 AS INTRODUCED 7-17-03

Public Act 241 of 1959 prohibits an individual from filling or refilling a liquefied petroleum gas or carbonic gas container with liquefied petroleum gas, carbonic gas, or any other gas or compound without written authorization from the owner of the container. House Bill 4900 would amend this Public Act 242 (MCL 429.112 and 429.113) to prohibit a person from transferring liquefied petroleum gas, carbonic gas, or any other gas or compound into or out of a liquefied petroleum gas or carbonic gas container without written authorization from the owner of the container provided at least two business days prior to the transfer. In addition, the bill would prohibit an individual from transferring liquefied petroleum gas, carbonic gas, or any other gas or compound, unless that individual is trained in the proper procedures in accordance with Department of Environmental Quality rules. The act also contains provision relating to the purchase, sale, and delivery of liquefied petroleum gas or carbonic gas and the proper marking of a container.

In addition, the act currently specifies that an individual who violates its provisions is guilty of a misdemeanor. House Bill 4900, instead, would make a violation of the act a felony, punishable by imprisonment not exceeding two years and/or a fine not exceeding \$1,000 per violation.

House Bill 5003 would make a corresponding amendment to Chapter XVII of the Code of Criminal Procedure (MCL 777.14d) to specify in the sentencing guidelines that a violation of Public Act 241 of 1959 would be a Class G crime against the public order with a maximum term of imprisonment of two years. House Bill 5003 is tie-barred to House Bill 4900.

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.