LIQUEFIED PETROLEUM OR CARBONIC GAS CONTAINERS

Act 241 of 1959

AN ACT relating to the marking of stationary containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing, or other removal of those marks; to prohibit the filling, refilling, trafficking in, or use of those containers without authority; to provide for the powers and duties of certain state officers; to prohibit violations and prescribe penalties; and to provide remedies.

History: 1959, Act 241, Eff. Mar. 19, 1960 ;-- Am. 2006, Act 504, Imd. Eff. Dec. 29, 2006

The People of the State of Michigan enact:

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429.111 Liquefied petroleum or carbonic gas containers; definitions.

Sec. 1.

As used in this act:

(a) "Liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane and isobutane), and butylenes.

(b) "Carbonic gas" means carbon dioxide.

History: 1959, Act 241, Eff. Mar. 19, 1960

429.112 Liquefied petroleum or carbonic gas container; transfer; written authorization required; marking on surface container; compliance with rules.

Sec. 2.

(1) Except as provided in subsection (4), a person shall not transfer liquefied petroleum or carbonic gas, or any other gas or compound, out of or into a stationary liquefied petroleum or carbonic gas container without the written authorization of the owner of the container.

(2) A person shall not sell, offer for sale, give, take, loan, deliver, or otherwise dispose of or traffic in a stationary liquefied petroleum or carbonic gas container or containers unless the surface of the container is marked in plainly legible characters with the name, initials, mark, or other device of the owner.

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

(4) An individual transferring liquefied petroleum or carbonic gas, or any other gas or compound, out of or into a stationary liquefied petroleum or carbonic gas container shall comply with any rules promulgated by the department of environmental quality under section 3c(2) of the fire prevention code, 1941 PA 207, MCL 29.3c.

History: 1959, Act 241, Eff. Mar. 19, 1960 ;-- Am. 2006, Act 504, Imd. Eff. Dec. 29, 2006

429.113 Violation of act; penalty; civil action; damages; relief; allegation and proof of compliance.

Sec. 3.

(1) A person that violates this act is guilty of a misdemeanor. Each container possessed in violation of this act is a separate offense.

(2) A person may bring a civil action against a person that violates section 2(1) for damages or equitable relief. In an action for damages, the person may recover actual damages or $2,000.00, whichever is greater, for each violation of section 2(1) and costs and reasonable attorney fees.

(3) A person who brings an action in a court in this state to collect payment for transferring liquefied petroleum or carbonic gas into or out of a stationary liquefied petroleum or carbonic gas container must allege and prove that the person complied with section 2(1) in the transfer of the gas to prevail in that action.

History: 1959, Act 241, Eff. Mar. 19, 1960 ;-- Am. 2006, Act 505, Imd. Eff. Dec. 29, 2006.

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