

No. 2000-74

AN ACT

HB 1473

Amending the act of February 11, 1998 (P.L.58, No.15), entitled "An act providing for the regulation of combustible and flammable liquids; allocating functions of the Department of Labor and Industry and the Pennsylvania State Police; imposing penalties; and making repeals," further providing for regulations, for notification by manufacturers of gasoline additive information, for retail service stations and for penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, is amended by adding a section to read:

Section 3.1. Notification by manufacturers of gasoline additive information.

No person that distributes gasoline or that owns or operates a retail service station may make a representation respecting the antiknock characteristics of the gasoline unless the representation discloses the minimum Antiknock Index Requirements of the fuel as adopted by the National Conference of Weights and Measures and published in Handbook 130, and supplements thereto, or in any publication revising or superseding Handbook 130. The department shall have the authority to issue a stop-sale notice to a person that distributes gasoline or that owns or operates a retail service station if the person is in violation of this section.

Section 2. Sections 4, 7 and 11 of the act are amended to read:

Section 4. Regulations.

(a) Authority.—

(1) The department may promulgate regulations governing the possession, use, storage and sale of combustible liquids or flammable liquids. Regulations under this paragraph must be based upon generally accepted national or international standards, *except that regulations providing for emergency controls, including switches, shall be based upon subsection (c).*

(2) To provide standards for the storage and dispensing of compressed natural gas as a vehicular fuel in fleet and public dispensing operations, the department shall promulgate regulations which adopt the National Fire Protection Association Standard for Compressed Natural Gas Vehicular Fuel systems (NFPA 52), excluding provisions on engine fuel systems.

(b) Existing regulations.—Until modified or deleted by the department, 37 Pa. Code Chs. 11 (relating to preliminary provisions) and 13 (relating to

storage and use) shall be deemed regulations of the department under this section.

(c) Emergency controls.—*The department shall require emergency controls, including a main power shut-off switch or switches, at self-service gasoline stations. Emergency controls shall be independent of the approved special dispensing devices and control equipment. Emergency controls and switches shall be installed at an accessible location not more than 15 feet from the principal control location of the attendant and not more than 125 feet from the farthest self-service dispensing device. Use of the emergency controls, including the main power shut-off switch or switches, to control the dispensing devices in other than an emergency shall be prohibited.*

Section 7. Retail service stations.

(a) Kerosene.—At a retail service station, the intake or receiving pipe opening for a kerosene storage tank shall be smaller than the nozzle on the hose used to deliver gasoline or diesel fuel into the storage tank.

(b) Self-service.—An attended self-service gasoline station may use a hold-open gasoline-dispensing nozzle if all of the following are met:

(1) The nozzle meets safety standards adopted by regulation of the department.

(2) A sign is posted indicating that any person, other than the attendant, who uses a hold-open gasoline-dispensing nozzle shall remain at the refueling point during the refueling operation.

(c) Portable container specifications.—*In addition to established container construction requirements under 37 Pa. Code § 11.7 (relating to container construction), portable containers used for the storage and handling of flammable and combustible liquids shall be color-coded to properly identify the contents of the container as follows:*

(1) *Blue shall represent kerosene.*

(2) *Red shall represent gasoline.*

No other color may be used for portable containers as provided for in this section which are used for the storage and handling of flammable and combustible liquids. At least 75% of the surface area of the container shall be of the required color.

(d) Attended self-service station operator facilities.—*It is the responsibility of the operator of the attended self-service station to familiarize attendant employees with the location and operation of the station's emergency fuel shut-off switch.*

Section 11. Penalties.

(a) Initial offense.—[A] *Except as provided for in subsection (c), a person that violates this act or a regulation under this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.*

(b) Subsequent offenses.—A person that, after being sentenced under subsection (a), violates this act or a regulation under this act commits a

summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.

(c) Improper container.—A person who violates section 7(c) relating to portable container specifications commits a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$100. The responsibility for compliance with section 7(c) shall reside exclusively with persons who use portable containers to store or handle flammable combustible liquids. The filling of such containers in connection with the sale or distribution of gasoline or kerosene shall not constitute an act of storage or handling for purposes of this section, and no seller shall incur any civil liability for failure to properly identify the contents of such containers.

Section 3. This act shall take effect in 60 days.

APPROVED—The 18th day of October, A.D. 2000.

THOMAS J. RIDGE