

2302

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 15, 2009

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Introduced by M. of A. MAGEE -- read once and referred to the Committee  
on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the  
delivery of liquefied petroleum gas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 6 of section 192-e of the agriculture and  
2 markets law, as amended by chapter 679 of the laws of 1980 and such  
3 section as renumbered by chapter 716 of the laws of 1989, is amended to  
4 read as follows:  
5     6. A. Each delivery of liquefied petroleum gas sold on a package basis  
6 in cylinders or containers to consumers and each delivery of such gas  
7 from a vehicle tank or other vessel into tanks, cylinders or containers  
8 connected to consumer apparatus when sale is based on a quantity so  
9 delivered, shall be accompanied by a delivery ticket and duplicate thereof.  
10 On such ticket and duplicate thereof shall be distinctly expressed  
11 in ink or other indelible substance the date of delivery, the net weight  
12 or volume of such liquefied petroleum gas delivered, the price per unit  
13 of metric or customary measure, the total price, the name and address of  
14 the seller and the name and address of the purchaser of such liquefied  
15 petroleum gas; provided, however, that such delivery ticket need not set  
16 forth the total price if within five days after delivery the seller  
17 provides the buyer with a written statement setting forth all the foregoing  
18 information including the total price. Delivery tickets shall be  
19 serially numbered or the serial number of the cylinder or container  
20 shall be legibly marked on such delivery ticket. One of such tickets  
21 shall be delivered to the person receiving the liquefied petroleum gas,  
22 and the other ticket shall be retained by the seller of the liquefied  
23 petroleum gas for a period of one year and shall be subject to  
24 inspection by any weights and measures official within this time.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD03151-01-9

1 B. (I) NO PERSON, FIRM, LIMITED LIABILITY COMPANY OR CORPORATION SHALL  
2 FILL, REFILL OR OTHERWISE DELIVER LIQUEFIED PETROLEUM GAS INTO ANY  
3 LIQUEFIED PETROLEUM GAS CYLINDER, CONTAINER OR RECEPTACLE WITH A WATER  
4 CAPACITY OF MORE THAN TEN GALLONS, UNLESS THEY ARE THE OWNER OF SUCH  
5 CYLINDER, CONTAINER OR RECEPTACLE, OR A PERSON AUTHORIZED IN WRITING BY  
6 SUCH OWNER.

7 (II) NO PERSON, FIRM, LIMITED LIABILITY COMPANY OR CORPORATION SHALL  
8 USE ANY LIQUEFIED PETROLEUM GAS CYLINDER, CONTAINER OR RECEPTACLE TO  
9 CONTAIN ANY SUBSTANCE OTHER THAN LIQUEFIED PETROLEUM GAS, UNLESS THEY  
10 ARE THE OWNER OF SUCH CYLINDER, CONTAINER OR RECEPTACLE, OR A PERSON  
11 AUTHORIZED IN WRITING BY SUCH OWNER.

12 (III) EXCEPT IN THE CASE OF FIRE OR SAFETY EMERGENCY, NO PERSON, FIRM,  
13 LIMITED LIABILITY COMPANY OR CORPORATION SHALL REMOVE LIQUEFIED PETROLE-  
14 UM GAS FROM ANY LIQUEFIED PETROLEUM GAS CYLINDER, CONTAINER OR RECEPTA-  
15 CLE, UNLESS THEY ARE THE OWNER OF SUCH CYLINDER, CONTAINER OR RECEPTA-  
16 CLE, OR A PERSON AUTHORIZED IN WRITING BY SUCH OWNER.

17 S 2. This act shall take effect immediately.