

HOUSE BILL REPORT

ESHB 1399

As Passed House
March 13, 1993

Title: An act relating to liquefied petroleum gas containers.

Brief Description: Prohibiting unauthorized liquefied petroleum gas container use.

Sponsors: By House Committee on Energy & Utilities
(originally sponsored by Representatives Orr, Grant, Long, Schoesler, Ludwig and Casada.)

Brief History:

Reported by House Committee on:
Energy & Utilities, February 26, 1993, DPS;
Passed House, March 13, 1993, 96-0.

HOUSE COMMITTEE ON ENERGY & UTILITIES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Staff: Ken Conte (786-7113).

Background: The terms "liquefied petroleum gas" or "LP-Gas" refer to such gases as propane, propylene, butane and butylene or mixes of these gases. The most commonly used LP-Gas, both commercially and residentially, is propane.

The installation of LP-Gas containers and equipment, as well as the storage, transportation, and distribution of the gas itself is regulated in great detail by the Uniform Fire Code (UFC). The UFC is enforced by local building and/or fire officials.

The UFC requires that the owner of a container be responsible for its "suitability for continued service" (UFC Standard 2-2.1.4). Among other things, the UFC requires routine inspections of containers and allows only "qualified" (trained) attendants to transfer LP-Gas from one container to another.

While some individuals or businesses own their own LP-Gas containers, a very common arrangement is for LP-Gas distributors to retain ownership of tanks which they then lease to the consumer. Most LP-Gas distributors train their own employees as well as appropriate lessee's employees, on matters of safety and proper use of equipment.

Summary of Bill: Filling of a liquid petroleum gas (LP-Gas) container is prohibited without the authorization of the owner. The owner of a leased or rented container may not unreasonably refuse to consent to having a container filled. An owner who leases or rents a container shall not be held liable for personal injury or property damage resulting from the filling of the container by someone other than the owner, or the owner's employee or agent. The owner's insulation from liability extends only to damage caused by another person who fills a container and does not extend to actions unrelated to filling a container. Tanks smaller than 100 gallons water capacity are exempted from the requirements of the bill.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The National Association of Fire Marshals endorses this concept. This is a safety issue as the tank owner is aware of the use and history of his/her tanks while people who just deliver propane may not be. Contracts between the tank owner and lessee can cover some of these issues but we need a law to really ensure that tanks are not filled without the owner's authorization. The bill will be fine if it is limited to tanks over 100 gallons.

Testimony Against: None.

Witnesses: (All pro): Ray Schindler, Northwest Gas; Dick Start, Heritage Propane; David Gerdts, C & D Propcul, Inc.; and (with concerns) Stu Halsan, Recreational Vehicle Dealers.