

SENATE BILL REPORT

ESHB 1399

AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, MARCH 23, 1993

**Brief Description:** Prohibiting unauthorized liquified petroleum gas container use.

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

**HOUSE COMMITTEE ON ENERGY & UTILITIES**

**SENATE COMMITTEE ON ENERGY & UTILITIES**

**Majority Report:** Do pass.

Signed by Senators Sutherland, Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, and West.

**Staff:** Bennie Barnes (786-7198)

**Hearing Dates:** March 22, 1993; March 23, 1993

**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.

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 how to properly inspect, operate and fill the container.

It is suggested that the filling of an LP-gas container be restricted to its owner or the owner's agent in order to ensure adequate public safety and to prevent property damage and/or personal injury.

**SUMMARY:**

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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

This is a safety issue as the tank owner is aware of the use and history of his or her tanks while people who just deliver propane may not be. Similar legislation has been passed in 28 other states.

**TESTIMONY AGAINST:** None

**TESTIFIED:** David Gerdts, NW Propane Gas Association (pro); Ray Shindler, NW Propane Gas Association (pro)