

CHAPTER 178

H.B. No. 1260

AN ACT

relating to the distribution and sale of liquefied petroleum gas; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 132, Revised Statutes, is amended by adding Article 8610a to read as follows:

Art. 8610a. LIQUEFIED PETROLEUM GAS CONTAINERS. (a) In this article:

(1) "Liquefied petroleum gas" means the hydrocarbon product extracted from natural gas or crude oil and commonly known as butane or propane.

(2) "Person" means an individual, association, or corporation.

(b) A person who is in the business of leasing or selling liquefied petroleum gas containers shall give to every prospective purchaser or user of such a container:

(1) written notice of the purchase or use options provided by that business, including, if applicable, options to purchase, lease, or lease-purchase; and

(2) *a written statement that other persons in the business of leasing or selling liquefied petroleum gas containers may provide purchase or use options that include purchase, lease, and lease-purchase.*

(c) *If a person who is in the business of leasing or selling liquefied petroleum gas containers signs a supply contract with another person, a separate agreement on the face of the contract must state that the supplier has given to the user the notice and statement required by Subsection (b) of this article before the user signs the supply contract.*

(d) *Except as provided by Subsection (e) of this article, a person commits an offense if the person:*

(1) *sells, fills, refills, delivers or permits to be delivered, or uses a liquefied petroleum gas container for any purpose;*

(2) *is not the owner of the container; and*

(3) *does not have written authorization of the owner.*

(e) *A person who is not the owner of a liquefied petroleum gas container may fill or refill the container if the person who occupies the premises where the container is located requests the service and signs a written request that states that an emergency exists and that the owner is unavailable to provide that service.*

(f) *A person who is not the owner of a liquefied petroleum gas container commits an offense if he obtains a written request under Subsection (e) of this article through misrepresentation.*

(g) *A person who is not the owner of a liquefied petroleum gas container commits an offense if the person defaces, removes, or conceals a name, mark, initial, or device on the container without the written consent of the owner.*

SECTION 2. Article 8611, Revised Statutes, is amended to read as follows:

Art. 8611. PUNISHMENT. Any person who shall knowingly violate any of the provisions of Articles 8601 [~~1101~~] through and inclusive of Article 8610a, Revised Statutes, [~~1110 of the Penal Code~~] shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

SECTION 3. This Act applies only to an offense committed on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 7, 1987, by a non-record vote. Passed by the Senate on May 12, 1987, by a viva-voce vote.

Approved May 25, 1987.

Effective Sept. 1, 1987.