

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 414

AN ACT

To repeal section 323.030, RSMo, and to enact in lieu thereof one new section relating to the filling of liquefied petroleum gas containers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 323.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 323.030, to read as follows:

323.030. 1. No person, firm or corporation, other than the owner and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas, compound, or for any other purpose whatsoever.

2. (1) As used in this subsection, the term "director" means the executive director of the Missouri propane safety commission.

(2) Upon a complaint, or notice otherwise given, to the director that an owner has abandoned or is otherwise not providing, selling, filling, refilling, delivering, or permitting to be delivered, any liquefied petroleum gas container or receptacle, the director may authorize a person other than the owner or a person authorized by the owner to sell, fill, refill, deliver, or permit to be delivered liquefied petroleum gas to such container or receptacle.

(3) Prior to granting the authorization provided in subdivision (2) of this subsection, the director shall provide notice to the owner that the director shall hold a hearing for the purpose of authorizing another person to

provide the liquefied petroleum gas to the container or receptacle. Such hearing shall be held by the director within seven business days of providing notice to the owner. The owner shall have the opportunity to be heard as to why the owner has not abandoned or otherwise failed to provide the liquefied petroleum gas to the container or receptacle.

(4) After the hearing is completed, the director shall issue his or her order as to whether the owner has abandoned or is otherwise not providing, selling, filling, refilling, delivering, or permitting to be delivered, any liquefied petroleum gas to a container or receptacle, and further whether any other person shall be authorized to fill such container or receptacle.

(5) Any order issued under the provisions of this subsection shall remain in effect for up to thirty days and may, after another hearing held under subdivision (3) of this subsection, be renewed for additional thirty-day periods.

(6) Any such person authorized by the director's order to provide liquefied petroleum gas to the container or receptacle shall be immune from any civil liability for providing liquefied petroleum gas to such container or receptacle.