

IC 22-11-15

Chapter 15. Regulation of Liquefied Petroleum Gas Containers

IC 22-11-15-1

Intent

Sec. 1. It is the intent of the general assembly to protect the public welfare and promote safety in the filling and use of pressure vessels containing liquefied petroleum gases by implementing both the interstate commerce commission regulations, within the state of Indiana, and the national standards of safety on the filling of these containers. It is necessary to insure that containers properly constructed and tested are used, and that a liquefied petroleum gas of suitable and safe vapor pressure be placed in these containers. Therefore, the filling or refilling of liquefied petroleum gas containers by other than the owner or authorized person must be controlled and specific authority to prevent violation and encourage enforcement should be established.

As added by Acts 1979, P.L.232, SEC.1.

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Definitions

Sec. 2. As used in this chapter:

(1) "Liquefied petroleum gas" means any material composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and isobutane), and butylenes.

(2) "Person" includes any individual, firm, limited liability company, or corporation and their affiliates.

(3) "Owner" means:

(A) any person holding a written bill of sale or other instrument under which title to a liquefied petroleum gas container was transferred to that person;

(B) any person holding a paid or receipted invoice showing purchase of and payment for a liquefied petroleum gas container;

(C) any person whose name, initials, or other identifying mark has been plainly shown on the surface of a liquefied petroleum gas container since September 1, 1978; or

(D) any manufacturer of a container for liquefied petroleum gas who has not transferred ownership of it.

As added by Acts 1979, P.L.232, SEC.1. Amended by P.L.8-1993, SEC.297.

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Owner identified containers; written authorization; unlawful acts; emergencies

Sec. 3. If a liquefied petroleum gas container bears on its surface in legible characters the name, mark, initials, or other identifying device of its owner, it is unlawful for any person except the owner or a person authorized in writing by him:

- (1) to fill or refill that container with liquefied petroleum gas or any other gas or compound;
- (2) to buy, sell, offer for sale, give, take, loan, deliver or permit to be delivered, or otherwise use or dispose of liquefied petroleum gas in that container; or
- (3) to deface, erase, obliterate, cover up, or otherwise remove or conceal or change the name, mark, initials, or other identifying device of the owner or to place the name, mark, initials, or other identifying device of any person other than the owner on such container.

However, no written authorization shall be required during weather emergencies or at those times when the regular supplier of liquefied petroleum gas has failed, or is unable, to make delivery within a reasonable time.

As added by Acts 1979, P.L.232, SEC.1.

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Unauthorized possession; presumptive evidence of unlawful use

Sec. 4. Possession of a liquefied petroleum gas container by any person other than the owner without the owner's written consent is presumptive evidence of the unlawful use of that container, except as otherwise provided in section 3 of this chapter.

As added by Acts 1979, P.L.232, SEC.1.

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Criminal prosecution

Sec. 5. Any person or his agent with personal knowledge of the facts who has reason to believe that any of his liquefied petroleum gas containers are in the possession of or are being illegally used by any person who is not an owner of the container and who does not have the written consent of the owner, may file a written complaint with the prosecutor of the county in which the complainant resides. The prosecutor may proceed with criminal prosecution if warranted. If a person is convicted of a violation of this chapter the court shall impose the punishment prescribed in this chapter and award possession of the container to its owner.

As added by Acts 1979, P.L.232, SEC.1.

IC 22-11-15-5.1

Civil actions; statute of limitations; costs and attorney's fees

Sec. 5.1. (a) A person injured as a result of an act or practice that violates this chapter may bring a civil action:

- (1) for declaratory relief;
- (2) for injunctive relief; or
- (3) to recover compensatory damages;

against the person violating this chapter.

(b) An action brought under this section must be commenced not later than two (2) years after the date of the alleged violation.

(c) A court may award costs and reasonable attorney's fees.

As added by P.L.142-2002, SEC.1.

IC 22-11-15-6

Violation; offense

Sec. 6. Any person who violates this chapter commits a Class C misdemeanor.

As added by Acts 1979, P.L.232, SEC.1.