

HOUSE No. 2844

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to consumer protections in the sale and usage of propane gas.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------|--------------------------------|
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>David Pearlstein</i> | |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |

HOUSE No. 2844

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 2844) of Carolyn C. Dykema and others relative to fair and equitable transactions between propane distributors and propane consumers. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to consumer protections in the sale and usage of propane gas.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 164 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the definition of “primary electric source”
3 the following words:-

4 “Propane consumer,” any person who purchases propane for personal consumption.

5 “Propane distributor,” any person who is in the business of selling or offering to sell
6 propane to propane consumers.

7 SECTION 2. Said chapter 164, as so appearing, is hereby amended by adding the
8 following section:-

9 Section 146. (a) The department shall investigate irregularities, complaints, and unfair or
10 deceptive acts in commerce by propane distributors.

11 (b) The department shall promulgate necessary rules and regulations for the purpose of
12 facilitating fair and equitable transactions between propane distributors and propane consumers.

13 (c) A violation of this section, or any rule or regulation consistent with this section, shall
14 constitute an unfair and deceptive act in commerce under Section 2 of Chapter 93A. No contract
15 for propane services shall contain any provision which conflicts with this this section, and any
16 conflicting provision shall be unenforceable and void.

17 (d) A propane distributor shall not charge a minimum usage fee, charge a fee for propane
18 that has not actually been delivered to a propane consumer, or compel a propane consumer to
19 purchase a minimum number of gallons of propane per year.

20 (e) When terminating service to a propane consumer, a propane distributor may not
21 charge a fee to terminate propane services, remove the propane distributor's storage tank from
22 the property, or pump out or restock propane if the propane storage tank has been located on a
23 propane consumer's property for more than 12 months. If the propane storage tank has been
24 located on a propane consumer's property for less than 12 months, any fee related to the
25 termination of service may not exceed the disclosed price of labor and materials.

26 (f) A propane distributor may not refuse to deliver propane to a storage tank owned by a
27 propane consumer if the propane consumer provides proof of ownership of the tank and the
28 propane distributor has conducted a safety check of the tank in accordance with NFPA 54
29 (National Fuel Gas Code) and NFPA 58 (Storage and Handling of Liquefied Petroleum Gas
30 Code) of the National Fire Protection Association and complies with all rules or regulations
31 promulgated by the department.