

No. 1988-85

AN ACT

SB 738

Amending the act of April 27, 1927 (P.L.450, No.291), entitled, as amended, "An act relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings by owners and occupants thereof, including political subdivisions; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania State Police, and the enforcement of its orders; and prescribing penalties," providing for the delivery of fuels to retail service stations; and imposing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of April 27, 1927 (P.L.450, No.291), referred to as the State Fire Marshal Law, is amended by adding a section to read:

Section 4.1. (a) The intake or receiving pipe opening for kerosene storage tanks shall be smaller than the nozzle on a hose used to deliver gasoline or diesel fuel into storage tanks at retail service stations.

(b) A person who fails to comply with the provisions of this section commits a summary offense and shall, upon conviction, for the first offense be sentenced to pay a fine not exceeding one hundred dollars and for a second and each subsequent offense be sentenced to pay a fine not exceeding three hundred dollars. Each delivery or acceptance of a fuel into a kerosene storage tank in violation of this section shall constitute a separate offense.

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Retail service station." Any place of business engaging in the sale of gasoline, diesel fuel or kerosene at retail in this Commonwealth.

"Storage tank." Any storage receptacle used to hold gasoline, diesel fuel or kerosene for sale at retail in this Commonwealth.

Section 2. This act shall take effect January 1, 1989.

APPROVED—The 13th day of July, A. D. 1988.

ROBERT P. CASEY