

HOUSE No. 1728

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

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 relating to consumer protections in the sale and usage of propane gas.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

James M. Cantwell

4th Plymouth

Josh S. Cutler

6th Plymouth

HOUSE No. 1728

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 1728) of James M. Cantwell and Josh S. Cutler for legislation to further regulate propane sales and usage fees. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3579 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relating 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 Chapter 164 of the General Laws is hereby amended by adding the following section:

2 Section 146. (a) The following words, as used in this section, inclusive, shall have the
3 following meanings:

4 “Consumer” means any person who purchases propane for personal consumption.

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

7 (b) The attorney general shall investigate irregularities, complaints, and unfair or
8 deceptive acts in commerce by sellers.

9 (c) The attorney general shall promulgate necessary rules and regulations for the purpose
10 of advancing business practices which are fair to sellers and which protect consumers.

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

15 (e) A seller shall not: (1) Charge a minimum usage fee; (2) Charge a fee for propane that
16 has not actually been delivered to a consumer; or (3) Compel a consumer to purchase a minimum
17 number of gallons of propane per year.

18 (f) When terminating service to a consumer, a seller shall comply with the following
19 requirements:

20 (i) if the propane storage tank has been located on a consumer's premises in excess of 12
21 months, the seller may not charge a fee to:

- 22 1. Terminate propane services,
- 23 2. Remove the seller's storage tank from the premises, or
- 24 3. Pump out or restock propane.

25 (ii) if the consumer has received propane services for less than 12 months, any fee
26 related to the termination of service may not exceed the disclosed price of labor and materials.

27 (f) Seller shall not refuse to deliver propane to a storage tank owned by a consumer if the
28 consumer provides proof of ownership of the tank and the seller has conducted a safety check of

29 the tank in accordance with NFPA 54 (National Fuel Gas Code) and NFPA 58 (Storage and
30 Handling of Liquefied Petroleum Gas Code) of the National Fire Protection Association and
31 complies with rules adopted by the attorney general governing propane.