

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

H.185

Introduced by Representatives Consejo of Sheldon, Atkins of Winooski,  
Branagan of Georgia, Browning of Arlington, Christie of  
Hartford, Davis of Washington, Evans of Essex, French of  
Shrewsbury, Gilbert of Fairfax, Heath of Westford, Jerman of  
Essex, Keenan of St. Albans City, Lenes of Shelburne,  
Manwaring of Wilmington, Martin of Wolcott, Masland of  
Thetford, Miller of Shaftsbury, Mitchell of Barnard, Mook of  
Bennington, Moran of Wardsboro, Mrowicki of Putney, Nuovo  
of Middlebury, Ralston of Middlebury, Spengler of Colchester,  
Till of Jericho, Waite-Simpson of Essex, Wilson of Manchester,  
Woodward of Johnson, Yantachka of Charlotte and Young of  
Albany

Referred to Committee on

Date:

Subject: Commerce and trade; consumer protection; propane

Statement of purpose: This bill proposes to prohibit the imposition of a  
minimum usage fee for propane or any charge for gas that is not actually  
delivered to a consumer; to prohibit any charge for removing a propane tank  
that a consumer has had for over a year; and to clarify that a propane seller

1 shall fully refund payment to a consumer when a balance remains on an  
2 account that is closed.

3 An act relating to regulating fees and charges for propane gas

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 Sec. 1. 9 V.S.A. § 2461b is amended to read:

6 § 2461b. REGULATION OF ~~LIQUIFIED~~ LIQUEFIED PETROLEUM GAS

7 (a) The attorney general shall investigate irregularities, complaints, and  
8 unfair or deceptive acts in commerce by sellers of ~~liquified~~ liquefied petroleum  
9 gas.

10 (b) For the purpose of promoting business practices which are uniformly  
11 fair to sellers and which protect consumers, the attorney general shall  
12 promulgate necessary rules and regulations including, ~~but not limited to,~~ notice  
13 prior to disconnection, repayment agreements, minimum delivery,  
14 discrimination, security deposits and the assessment of fees and charges.

15 (c) A violation of this section, or a rule or regulation promulgated under  
16 this section, shall constitute an unfair and deceptive act in commerce in  
17 violation of section 2453 of this title.

18 (d) A seller of liquefied petroleum gas shall not charge:

19 (1) a minimum usage fee;

20 (2) a fee for gas that is not actually delivered to a consumer; or

1           (3) a fee to remove the seller's storage tank from the consumer's  
2 premises if the tank has been located on the premises for not less than one  
3 year.

4           (e)(1) When a seller of liquefied petroleum gas disconnects or terminates  
5 service to a consumer, the seller shall reimburse to the consumer, within 20  
6 days of the disconnection or termination, the retail price paid for any gas  
7 remaining in the tank, or, if the amount of gas remaining in the tank cannot be  
8 determined with certainty, reimburse to the consumer 80 percent of the seller's  
9 best reasonable estimate of said amount less any amounts due from the  
10 consumer.

11           (2) The seller shall refund the remainder of the amount due as soon as  
12 the quantity of gas left in the tank can be determined with certainty, but no  
13 later than 14 days after the removal of the tank.

14           (3) A refund shall be made by cash, check, direct deposit, credit to a  
15 credit card account, or otherwise in the same method or manner of payment the  
16 consumer, or a third party on the consumer's behalf, used to make payments to  
17 the seller. A seller shall not provide a refund in the form of a reimbursement  
18 or credit to any account with the seller held in the name of or on behalf of the  
19 consumer.

20       Sec. 2. EFFECTIVE DATE

21       This act shall take effect upon passage.