

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

H.609

Introduced by Representatives Kitzmiller of Montpelier, Dickinson of  
St. Albans Town, Botzow of Pownal, Bouchard of Colchester,  
Carr of Brandon, Kupersmith of South Burlington, and  
Marcotte of Coventry

Referred to Committee on

Date:

Subject: Commerce and trade; propane

Statement of purpose of bill as introduced: This bill proposes to clarify  
Vermont law governing termination of propane service.

An act relating to terminating propane service

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

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

~~§ 2461b. REGULATION OF PROPANE~~

~~(a)(1) In this section:~~

~~(A) "Consumer" means any person who purchases propane for  
consumption and not for resale through a meter or has propane delivered to one  
or more storage tanks of 2,000 gallons or less.~~

~~(B) "Seller" means a person who sells or offers to sell propane to a  
consumer.~~

1 ~~(C) "Terminates service" means that a seller:~~  
2 ~~(i) disconnects, removes, or locks off a propane tank;~~  
3 ~~(ii) reads a meter to determine whether a refund is due to a~~  
4 ~~consumer;~~  
5 ~~(iii) sends notice that the seller will no longer provide services to a~~  
6 ~~consumer; or~~  
7 ~~(iv) takes other action that evidences an intent to terminate a~~  
8 ~~service relationship with a consumer.~~

9 (2) The Attorney General shall investigate irregularities, complaints, and  
10 unfair or deceptive acts in commerce by sellers.

11 \* \* \*

12 (e) When terminating service to a consumer, a seller shall comply with the  
13 following requirements.

14 (1)(A) If the propane storage tank has been located on the consumer's  
15 premises, regardless of ownership of the premises, for 12 months or more, the  
16 seller may not assess a fee related to termination of propane service, including  
17 a fee:

18 (i) to remove the seller's storage tank from the premises;  
19 (ii) to pump out or restock propane; or  
20 (iii) to terminate service.

1 ~~(B) If a consumer has received propane service from the seller for~~  
2 less than 12 months, any fee related to termination of service may not exceed  
3 the disclosed price of labor and materials.

4 (2) Subject to subdivision (h)(5) of this section:

5 (A) Within 20 days of the date when the seller ~~disconnects propane~~  
6 terminates service or is notified by the consumer in writing that service has  
7 been disconnected, whichever is earlier, the seller shall refund to the consumer  
8 the amount paid by the consumer for any propane remaining in the storage  
9 tank, less any payments due the seller from the consumer.

10 (B) If the quantity of propane remaining in the storage tank cannot be  
11 determined with certainty, the seller shall, within the 20 days described in  
12 subdivision (2)(A) of this subsection, refund to the consumer the amount paid  
13 by the consumer for 80 percent of the seller's best reasonable estimate of the  
14 quantity of propane remaining in the tank, less any payments due from the  
15 consumer. The seller shall refund the remainder of the amount due as soon as  
16 the quantity of propane left in the tank can be determined with certainty, but no  
17 later than 14 days after the removal of the tank or restocking of the tank at the  
18 time of reconnection.

19 \* \* \*

1 ~~(h)(1) A seller who has a duty to remove a propane storage tank from a~~  
2 ~~consumer's premises shall remove the tank within 20 days or, in the case of an~~  
3 ~~underground storage tank, within 30 days of the earliest of the following dates:~~

- 4 ~~(A) the date on which the consumer requests termination of service;~~  
5 ~~(B) the date the seller disconnects propane service; or~~  
6 ~~(C) the date on which the seller is notified by the consumer in writing~~  
7 ~~that service has been disconnected.~~

8 \* \* \*

9 Sec. 2. EFFECTIVE DATE

10 ~~This act shall take effect on passage.~~

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

*§ 2461b. REGULATION OF PROPANE*

*(a)(1) In this section:*

~~*(A) "Consumer" means any person who purchases propane for*~~  
~~*consumption and not for resale through a meter or has propane delivered to*~~  
~~*one or more storage tanks of 2,000 gallons or less.*~~

*(A) "Consumer" means any person who, for consumption and not for*  
*resale, purchases propane for consumption and not for resale through a meter*  
*or has propane delivered to one or more storage tanks of 2,000 gallons or less.*

*(B) "Seller" means a person who sells or offers to sell propane to a*  
*consumer.*

(C) "Terminates service" means that a seller:

(i) disconnects, removes, or locks off a that seller's propane tank;

(ii) reads a meter with the purpose of terminating service; or

~~(iii) sends notice of intent to disconnect, remove, or lock off a propane tank; or~~

~~(iv) (iii) takes other action that evidences an intent to terminate a service relationship with a consumer or evidences knowledge that the consumer requested termination of service.~~

(2) The Attorney General shall investigate irregularities, complaints, and unfair or deceptive acts in commerce by sellers.

\* \* \*

(e) When terminating service to a consumer, a seller shall comply with the following requirements.

(1)(A) If the propane storage tank has been located on the consumer's premises, regardless of ownership of the premises, for 12 months or more, the seller may not assess a fee related to termination of propane service, including a fee:

(i) to remove the seller's storage tank from the premises;

(ii) to pump out or restock propane; or

(iii) to terminate service.

*(B) If a consumer has received propane service from the seller for less than 12 months, any fee related to termination of service may not exceed the disclosed price of labor and materials.*

*(2) Subject to subdivision (h)(5) of this section:*

*(A) Within 20 days of the date when the seller ~~disconnects propane~~ terminates service or is notified by the consumer in writing that service has been disconnected, whichever is earlier, the seller shall refund to the consumer the amount paid by the consumer for any propane remaining in the storage tank, less any payments due the seller from the consumer.*

*\* \* \**

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on passage.*