| 1 | H.609 |
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| 2 | Introduced by Representatives Kitzmiller of Montpelier, Dickinson of |
| 3 | St. Albans Town, Botzow of Pownal, Bouchard of Colchester, |
| 4 | Carr of Brandon, Kupersmith of South Burlington, and |
| 5 | Marcotte of Coventry |
| 6 | Referred to Committee on |
| 7 | Date: |
| 8 | Subject: Commerce and trade; propane |
| 9 | Statement of purpose of bill as introduced: This bill proposes to clarify |
| 10 | Vermont law governing termination of propane service. |
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| 11 | An act relating to terminating propane service |
| 12 | It is hereby enacted by the General Assembly of the State of Vermont: |
| 13 | Sec. 1. 9 V.S.A. § 2461b is amended to read: |
| 14 | § 2461b. REGULATION OF PROPANE |
| 15 | (a)(1) In this section: |
| 16 | (A) "Consumer" means any person who purchases propane for |
| 17 | consumption and not for resale through a meter or has propane delivered to one |
| 18 | or more storage tanks of 2,000 gallons or less. |
| 19 | (B) "Seller" means a person who sells or offers to sell propane to a |
| 20 | consumer. |

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| 1 | (C) "Terminates service" means that a seller: |
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| 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. |
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| 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 |

(iii) to terminate service.

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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.

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

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| 1 | (h)(1) A seller who has a duty to remove a propane storage tank from a |
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| 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. |
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| 9 | Sec. 2. EFFECTIVE DATE |
| 10 | This act shall take effect on passage. |