

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 609 entitled “An act relating to terminating propane
4 service” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking all after the enacting clause and inserting
6 in lieu thereof the following:

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

8 § 2461b. REGULATION OF PROPANE

9 (a)(1) In this section:

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

13 (B) “Seller” means a person who sells or offers to sell propane to a
14 consumer.

15 (C) “Terminates service” means that a seller:

16 (i) disconnects, removes, or locks off a propane tank;

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

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

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

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

6 * * *

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

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

- 13 (i) to remove the seller's storage tank from the premises;
- 14 (ii) to pump out or restock propane; or
- 15 (iii) to terminate service.

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

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

20 (A) Within 20 days of the date when the seller ~~disconnects propane~~
21 terminates service or is notified by, or on behalf of, the consumer in writing

1 that service has been disconnected, whichever is earlier, the seller shall refund
2 to the consumer the amount paid by the consumer for any propane remaining
3 in the storage tank, less any payments due the seller from the consumer.

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

13 * * *

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

17 (A) the date on which the consumer requests termination of service;

18 (B) the date the seller disconnects propane service; or

19 (C) the date on which the seller is notified **by, or on behalf of, the**
20 **consumer** in writing that service has been disconnected.

21 * * *

1 (6) A seller who disconnects or plans to disconnect a propane tank
2 owned by a different seller and servicing a consumer shall, when notifying the
3 different seller of termination of service on behalf of a consumer, notify the
4 different seller of the disconnection on a form and in a manner prescribed by
5 the Office of the Attorney General. The form shall include:

6 (A) the name of the seller that disconnects, or plans to disconnect, the
7 tank;

8 (B) the name of the different seller that owns the propane tank being
9 disconnected;

10 (C) the date, or anticipated date, of the disconnection; and

11 (D) the signature of the consumer.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on passage.

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(Committee vote: _____)

Representative [surname]
FOR THE COMMITTEE