

1 AN ACT relating to liquified petroleum gas.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Liquified petroleum gas," "propane," or "LPG" has the same meaning as
7 in KRS 186.750;

8 (b) "Liquified petroleum gas tank" or "LPG tank" means an above-or below-
9 ground cylinder, container, or receptacle, which is fixed in place and
10 designed to store LPG for the purpose of heating or generating electric
11 power for a residential customer;

12 (c) "Qualifying emergency" means:

13 1. A federal, state, or local state of emergency that has been declared;

14 2. A federal or state authority has granted a waiver from hours-of-
15 operation limitations affecting LPG; or

16 3. Severe weather or any other similar circumstances exist that may
17 result in:

18 1. An individual being placed in imminent danger of death or
19 injury; or

20 2. A building structure or the structure's fixtures being at risk of
21 significant damage due to a lack of residential heat caused by the
22 lack of sufficient LPG;

23 (d) "Regular supplier" means a person, firm, limited liability company, or
24 corporation that:

25 1. Owns an LPG tank; and

26 2. Pursuant to a current contract, has agreed to supply LPG to the LPG
27 tank for use by a residential customer;

1 (e) "Temporary emergency supplier" means a person, firm, limited liability
2 company, or corporation that fills, refills, or otherwise delivers LPG into an
3 LPG tank that:

4 1. The temporary emergency supplier does not own; and
5 2. Is subject to an existing contract between a regular supplier and a
6 residential customer.

7 (2) Notwithstanding any provision of law to the contrary, when a qualifying
8 emergency is in effect and a residential customer who has a contract with a
9 regular supplier to fill a LPG tank reasonably believes the amount of LPG will be
10 insufficient to meet the customer's heating needs, the customer may arrange to
11 have a temporary emergency supplier fill, refill, or otherwise deliver LPG into the
12 LPG tank under the following conditions:

13 (a) The customer makes a good-faith effort to procure delivery of LPG from the
14 regular supplier;

15 (b) The regular supplier is unable to make a scheduled delivery or fulfill the
16 customer's good-faith request, directly or through another supplier, for
17 delivery within twenty-four (24) hours; and

18 (c) The temporary emergency supplier ensures that the LPG tank and the
19 devices and pipelines operated in connection with the tank have been
20 inspected and certified as required by law.

21 (3) The temporary emergency supplier that fills, refills, or otherwise delivers LPG
22 under this section shall notify the regular supplier, in written or electronic form,
23 within five (5) business days of delivering the LPG. The temporary emergency
24 supplier shall provide the:

25 (a) Customer's name and address;

26 (b) Date and quantity of LPG delivered to the customer;

27 (c) Changes made to the tank system, if any; and

1 (d) Pressure test results, if required.

2 (4) When a temporary emergency supplier delivers LPG to a residential customer
3 during a period in which subsection (2) of this section does not apply, the
4 temporary emergency supplier or the customer's regular supplier shall not charge
5 any penalty or fee in addition to any filling, refilling, or delivery fees that are
6 usually charged to other customers in the ordinary course of business.

7 (5) The temporary emergency supplier shall assume all liability from the improper
8 filling, inspection, or testing of the LPG tank owned by the regular supplier.

9 (6) (a) Any contract executed after the effective date of this Act for the supply of
10 LPG to a residential customer shall include provisions that:

11 1. Allow a residential customer to use a temporary emergency supplier
12 under the conditions set forth in subsection (2) of this section; and

13 2. Do not impose additional penalties or fees in violation of subsection
14 (4) of this section.

15 (b) Any provision of a contract executed prior to the effective date of this Act
16 for the supply of LPG to a residential customer that prohibits a residential
17 customer from using a temporary emergency supplier under the conditions
18 set forth in subsection (2) of this section or imposes additional penalties or
19 fees in violation of subsection (4) of this section shall be void.

20 (7) (a) The Attorney General shall develop a Propane Customer Bill of Rights
21 consistent with this Section to address the rights of residential customers
22 who enter into contracts for the provision and delivery of LPG, including
23 the right of the customer to purchase LPG from a temporary supplier
24 during a qualifying emergency.

25 (b) The Propane Customer Bill of Rights shall be provided by every regular
26 supplier of LPG to the residential customer when a contract is executed.

27 (c) The Office of the Attorney General shall post the Propane Customer Bill of

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Rights on its website.