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In RE: NPGA 2022 Container Law Update

This memo is an update to the 2012 NPGA Propane Container Filling Laws, Regulations and Standards. In the 10 years since that memo was created, many states have adopted new regulations, added regulations, or repealed regulations. Further, several states that did not have any such code in 2012 adopted regulations related to the filling of liquefied petroleum containers. This memo provides the relevant code sections, statutory language, and effective date of state codes related to the filling of liquefied petroleum containers. Where a state has not adopted any such code, it is noted in the memorandum.

NPGA Container Law Brochure Update

State	2022 Code	Pertinent Code Language	Notes
Alabama	Ala. Code 1975 § 9-17-109 § 9-17-109(d). Violations; records; fees; assessment and hearing; filling of containers; installation, maintenance, etc., of appliances; damages	(d) Liquefied petroleum gas containers may be filled only by the owner or upon the owner's authorization. The owner of a liquefied petroleum gas container is responsible for its suitability for continual service.	Current through Act 2022-442 of the Regular and First Special Sessions.
Alaska	NA	NA	NA
Arizona	A.R.S. § 36-1624.01 § 36-1624.01(A). Liquefied petroleum gas container; filling; evacuating; requirements; violation; classification	A. A person, other than the owner of a liquefied petroleum gas container or a person authorized in writing by the owner, shall not: 1. Fill or refill a liquefied petroleum gas container with liquefied petroleum gas or any other gas or compound.	Current through legislation effective June 13, 2022 of the Second Regular Session of the Fifty-Fifth Legislature (2022).
		(a) If a liquefied petroleum gas container shall bear upon the surface thereof in plainly legible characters the name, mark, initials, or other	

Arkansas	A.C.A. § 15-75-406 § 15-75-406(a). Unlawful activities	identifying device of the owner thereof, it shall be unlawful for any person except the owner or a person authorized in writing by him or her: (1) To fill or refill the container with liquefied petroleum gas or any other gas or compound.	Current through the 2022 Fiscal Session of the 93rd Arkansas General Assembly.
California	8 CCR § 470: Permit to Operate	(e) No person shall charge LP-Gas into any tank requiring a permit to operate unless the permit to operate has been issued and posted, except where a request for a permit remains unacted upon. Containers shall be filled or used only upon authorization of the owner.	This database is current through 7/1/22 Register 2022, No. 26.
Colorado	C.R.S.A. § 8-20-302: Refill container unlawful	No person, firm, or corporation, other than the owner or person authorized by the owner shall refill or use in any manner a container or receptacle which has imprinted thereon the name, initials, or trademark of the owner, for any gas or gaseous compound used for cooking or heating.	Current through signed legislation effective June 8, 2022 of the Second Regular Session, 73rd General Assembly (2022).
Connecticut	Connecticut State Fire Code: Chapter 69: 69.4.1.2: Liquefied Petroleum Gas and Liquefied Natural Gasses	Cylinders, tanks or containers shall be filled, evacuated or transported only by the owner of the cylinder, tank or container or upon the owner's authorization.	Effective Date May 7, 2015
		(a) No person except the owner thereof or person authorized in writing by the owner shall fill or refill with liquefied petroleum gas, or any	

Delaware	Title 16, Chapter 72, §7202(a): Unlawful use, filling, or refilling of containers.	other gas or compound, a liquefied petroleum gas container, or buy, sell, offer for sale, give, take, loan, deliver or permit to be delivered or otherwise use, dispose of or traffic in a liquefied petroleum gas container or containers if the container bears upon the surface thereof in plainly legible characters the name, initials, mark or other device of the owner, nor shall any person other than the owner of a liquefied petroleum gas container or a person authorized in writing by the owner deface, erase, obliterate, cover up or otherwise remove or conceal any name, mark, initial or device thereon.	Current through chapter 310 of the 151st General Assembly (2021-2022).
Florida	West's F.S.A. § 527.07: Restriction on use of containers	A person, other than the owner and those authorized by the owner, may not sell, fill, refill, remove gas from, deliver, permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas or compound, or for any other purpose.	Current with laws, joint and concurrent resolutions and memorials through June 27, 2022, in effect from the 2022 Second Regular Session
Georgia	Ga. Comp. R. & Regs. 120-3-16-.07: Adopted Codes and Standards.	Adding a new paragraph to NFPA 58, Standard for Storage and Handling of Liquefied Petroleum Gases: Section 7.2.2.20-No person shall introduce LP gas into a container, or otherwise modify or tamper with a container without the written permission of the container owner. Exception: A Georgia dealer in LP-Gas may evacuate a container not owned by such dealer for the purpose of transferring the LP-Gas remaining in the container into a container which is owned by the dealer or ultimate consumer, provided that the dealer owning the to be evacuated is notified of the transfer. The Georgia dealer in LP-Gas evacuating the container shall document such notification and shall maintain a record of the notification for a period not less than 3 years.	Current with amendments available through June 29, 2022

Hawaii	NA	NA	NA
Idaho	<p>I.C. § 54-5318: Filling of liquefied petroleum gas containers-- Restrictions</p>	<p>(1) Except as provided in subsection (3) of this section, a person who fills a leased liquefied petroleum gas container in violation of the terms of a written lease is liable in an action by the container lessor for the greater of:</p> <ul style="list-style-type: none"> (a) The actual damages to the container lessor, including incidental and consequential damages and attorney's fees; or (b) Five hundred dollars (\$500) for each violation. <p>(2) The burden of ascertaining the terms of a written lease for purposes of subsection (1) of this section is on the person filling the liquefied petroleum gas container. A person has ascertained the terms of a written lease if he has:</p> <ul style="list-style-type: none"> (a) Read the lease; (b) Received the assurance of the container owner that the lease does not prohibit the person from filling the container; (c) Obtained a signed, written statement from the lessee that the written lease does not prohibit the person from filling the container; or (d) The leased liquefied petroleum gas container is clearly labeled, near the container fill point, as a container subject to lease terms prohibiting the filling of the container without the lessor's permission. <p>(3) If a lessee misrepresents his ownership or the terms of his written lease, the lessee who made the misrepresentation, and not the person filling the tank, is liable for the damages under subsection (1) of this section.</p> <p>(4) If a written liquefied petroleum gas container lease restricts the right to fill a leased container, the restriction shall be plainly stated in the lease in any manner designed to draw the attention of the lessee to the lease provision, including:</p>	<p>Statutes and Constitution are current with effective legislation through Chapters 1 to 327 of the Second Regular Session of the Sixty-sixth Idaho Legislature.</p>

		<p>(a) Typing the restriction in at least two-point larger type than the majority of the document type;</p> <p>(b) Underlining the restriction; or</p> <p>(c) Typing the restriction in boldface type.</p> <p>(5) A lessor whose liquefied petroleum gas container lease does not comply with the provisions of subsection (4) of this section is disqualified from protection under this section.</p>	
Illinois	Chapter 430 ILCS 10/3: Liquefied Petroleum Gas Container Act	If a liquefied petroleum gas container shall bear upon the surface thereof in plainly legible characters the name, mark, initials or other identifying device of the owner thereof, it shall be unlawful for any person except such owner or a person authorized in writing by him: (a) To fill such container with, or withdraw from such container, liquefied petroleum gas or any other gas or compound.	Current through P.A. 102-730 of the 2022 Reg. Sess.
Indiana	I.C. 22-11-15-3: Owner-identified containers; written authorization; unlawful acts; emergencies	If a liquefied petroleum gas container bears on its surface in legible characters the name, mark, initials, or other identifying device of its owner, it is unlawful for any person except the owner or a person authorized in writing by him: <p>(1) to fill or refill that container with liquefied petroleum gas or any other gas or compound.</p>	The statutes and Constitution are current with all legislation of the 2022 Second Regular Session of the 122nd General Assembly effective through June 30, 2022.
		1. If a liquefied petroleum gas container designed to hold more than twenty pounds of liquefied petroleum gas has the name, mark, initials,	

Iowa	Chapt. 101, §101.13: Liquefied Petroleum Gas Containers	or other identifying device of the owner in plainly legible characters on the surface of the container, a person other than the owner or a person authorized by the owner shall not do any of the following: a. Fill or refill the container with liquefied petroleum gas or any other gas or compound except when the owner is unable to supply liquefied petroleum gas to a person to whom the owner is leasing or furnishing the container and to whom the owner ordinarily supplies the liquefied petroleum gas, in which case the owner shall authorize the refilling of the container by another person designated by the owner.	Current with legislation effective 7/1/2022 from the 2022 Regular Session, subject to changes made by Iowa Code Editor for Code 2023.
Kansas	Chapt. 55, Art. 11, §55-1102 : Same; Identification; Unlawful Acts	(a) If a liquefied petroleum gas container shall bear upon the surface thereof in plainly legible characters the name, mark, initials or other identifying device of the owner thereof, it shall be unlawful for any person except such owner or a person authorized in writing by him or her: (1) To fill or refill such container with liquefied petroleum gas or any other gas or compound...	Statutes are current through laws enacted during the 2022 Regular Session of the Kansas Legislature effective on June 2, 2022
Kentucky	KRS § 234.190: Use of or work upon liquefied petroleum gas container without consent of owner prohibited;	(1) No person shall sell, install, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container unless the container is owned by the person or its use is authorized by its owner.	Current through laws effective July 1, 2022 and

	removal or replacement request		the Nov. 3, 2020 election.
Louisiana	LSA-R.S. 40:1846: Rules and regulations of commission; exceptions; reporting; data sharing; permit requirements; penalties; liability; state of emergency or disaster	(b)(3)(d) No person, firm, or corporation, except the owner thereof, or person, firm, or corporation authorized in writing by said owner, shall fill, refill, buy, sell, offer for sale, give, take, loan, dispose of, or traffic in, a liquefied petroleum gas container or tank.	Current through the 2022 First Extraordinary Session.
Maine	10 M. R. S. A. § 1658-A(2): Unlawful use of containers	No person except the owner, or a person authorized in writing by the owner to do so, may fill or refill a liquefied petroleum gas container with a liquefied petroleum gas or any other gas or substance.	Current with emergency legislation through the 2022 Second Regular Session of the 130th Legislature.
Maryland	MD CODE Commercial Law, § 11-603: Proscribed conduct	Unless he is authorized by the owner in writing, a person other than the owner of a container may not: (1) Fill or refill a marked container with liquefied petroleum gas or any other gas or compound.	Current through legislation effective through June 1, 2022, from the 2022 Regular Session of the General Assembly.

Massachusetts	527 CMR §6.06(2): Installation of Equipment-Compliance Requirement	(2) No person shall install, remove, connect, disconnect, fill or refill any LP-gas container without permission of the owner of the container.	The Massachusetts Administrative Code titles are current through Register No. 1471, dated June 10, 2022.
Michigan	Chapt. 429, Michigan Compiled Laws, §429.11: Liquefied petroleum or carbonic gas containers; transfer out of or into, written authorization; marking; compliance with rules	Sec. 2. (1) Except as provided in subsection (4), a person shall not transfer liquefied petroleum or carbonic gas, or any other gas or compound, out of or into a stationary liquefied petroleum or carbonic gas container without the written authorization of the owner of the container... (4) An individual transferring liquefied petroleum or carbonic gas, or any other gas or compound, out of or into a stationary liquefied petroleum or carbonic gas container shall comply with any rules promulgated by the department of environmental quality under section 3c(2) of the fire prevention code, 1941 PA 207, MCL 29.3c.	The statutes are current through P.A.2022, No. 135, of the 2022 Regular Session, 101st Legislature.
Mississippi	Miss. Code Ann. §75-57-105: Requirements	B. No liquefied petroleum gas dealer, including its agents and employees, may dismantle, disconnect, evacuate, repair, deface, fill, or refill a container belonging to another dealer unless: 1. Prior written permission shall have been granted by the dealer who owns the container;	Current through the Mississippi Administrative Rules Listing of Filings, dated March 2022.
		If a liquefied petroleum or industrial gas container shall bear upon the surface thereof in plainly legible characters the name, mark, initials, or other identifying device of the owner thereof, it shall be unlawful	Current with legislation effective

Minnesota	Minn. Stats. §229F.40: Liquefied petroleum or industrial gas container	for any person except the owner or a person authorized in writing by the owner: (1) to fill or refill such container with liquefied petroleum or industrial gas or any other gas or compound;	through July 1, 2022 from the 2022 Regular Session. (Pending legislation affects other sections of this act.)
Missouri	V.A.M.S. 323.030: Liquefied petroleum gas container, who may refill	No person, firm or corporation, other than the owner and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas, compound, or for any other purpose whatsoever.	Statutes are current through WID 1 of the 2022 Second Regular Session of the 101st General Assembly.
Montana	MCA 82-15-113: Refilling of liquefied petroleum product containers--unlawful acts	Only the owner or a person authorized by the owner may: (1) fill or refill a liquefied petroleum product container”	Current through the 2021 Session of the Montana Legislature.
Nebraska	Neb. Rev. St. § 57-504: Container; filled by owner; purchase of cylinder...	No person, except the owner thereof or persons authorized in writing by the owner so to do, shall fill or refill with liquefied petroleum gas, or any other gas or compound, a container or buy, sell, offer for sale, give, take, loan, deliver, or permit to be delivered, or otherwise use, dispose of, or traffic in a container if such container bears upon the surface thereof in plainly legible characters the name, initials, mark, or other device of the owner...	Current through legislation effective April 20, 2022, of the 2nd Regular Session of the 107th

			Legislature (2022)
Nevada	N. R. S. 590.535: Use of Containers; Required Licenses; Exceptions	1) No person, firm or corporation, other than the owner and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas, compound, or for any other purpose whatsoever.	Current through Ch. 2 (End) of the 33rd Special Session (2021)
New Hampshire	N.H. Rev. Stat. § 339-B:15: Unlawful Use of Containers	No person except the owner, or a person authorized in writing by the owner, shall fill or refill a liquefied petroleum gas container with a capacity of or greater than 100 pounds with a liquefied petroleum gas or any other gas or substance.	Current through Chapter 143 of the 2022 Reg.
New Jersey	N. J. S. A. 21:1B-4: Containers and Receptacles	No person, firm or corporation, other than the owner and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas, compound, or for any other purpose whatsoever.	Current with laws through L.2022, c. 17 and J.R. No. 3
New Mexico	NM ST § 70-5-23: Containers to be filled only by owner or upon the owner's authorization; emergency exception	<p>B. Except as provided in Subsection C of this section, an LP gas container shall be filled only by the owner or upon the owner's authorization.</p> <p>C. When the bureau receives customer complaints about non-delivery of LP gas, the bureau shall contact the LP gas dispenser to determine the reason for the non-delivery and shall work with the LP gas dispenser to ensure timely delivery to customers. In an emergency, the bureau may require the LP gas dispenser that owns the containers used by customers to deliver LP gas within twenty-four hours or authorize one or more other LP gas dispensers to deliver and fill the owner's containers that are leased to customers; provided that if there is not enough LP gas to fill all containers, the bureau and the LP gas dispensers shall determine priorities and proportional deliveries, as appropriate. The LP gas dispenser shall provide its customer list to the</p>	Current through the 2022 2nd Regular Session and 3rd Special Session of the 55th

		bureau and the delivering LP gas dispenser. The customer list is not a public document subject to the provisions of the Inspection of Public Records Act.	Legislature (2022).
New York	NA	NA	NA
North Carolina	NC ST § 119-58: Unlawful Acts	(a)(1) ...it shall be unlawful for any person, other than the supplier or the owner of the system, to disconnect, interrupt or fill the system with liquefied petroleum gas without the consent of the supplier...	The statutes and Constitution are current through S.L. 2022-10 of the 2022 Regular Session of the General Assembly.
North Dakota	NDCC 23-13-03.2: Liquefied petroleum gas containers-- Unauthorized use-- Prohibited covering of identification marks	It is unlawful for any person except the owner or the owner's authorized agent to fill, drain, or refill a liquefied petroleum gas container; or buy, sell, offer for sale, give, take, loan, deliver, or permit to be delivered, or otherwise use a liquefied petroleum gas container if the container bears upon its surface, in plainly legible characters, the name, initials, mark, or other identifying device of the owner...	Current through the 2021 Regular and Special Sessions 67th Legislative Assembly.
Ohio	OH Admin Code 1301:7-7-38, §3807.5: Transfer	Transfer of LP-gas to and from an LP-gas container shall be conducted with permission of the owner of the container.	Effective November 1, 2011
Oklahoma	52 Okl.St. Ann. § 420.9(E): Specifications for commercial propane, butane and mixtures-- Identification of vehicles--Motor carriers-	Containers shall be filled or used only upon authorization of the fee simple owner. The name of the fee simple owner, if other than the consumer, shall be conspicuously shown on the container.	This act shall become effective November 1, 2022. (Pending legislation)

	-Transportation out of state--Retail deliveries		affects other sections of this act.)
Oregon	O. R. S. § 480.430: Liquefied Petroleum Gas Containers	No person other than the owner of the container or receptacle and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered or used in any manner any liquefied petroleum gas container or receptacle for any gas or compound or for any other purpose.	Current through Chapter 2 enacted in the 2022 Regular Session of the 81st Legislative Assembly.
Pennsylvania	PA ST 35 P.S. § 1329.3 Transfer of LPG	No person shall transfer, sell, fill, deliver or permit to be delivered any LPG or use an LPG container or receptacle unless authorized to do so by the owner of the LPG container and authorized by the department to do so or authorized to do so by emergency response agencies.	Current through 2022 Regular Session Act 35.
Rhode Island	RI ST § 5-83-3: Propane storage container financing and denial of service	(b) Propane storage containers may only be filled by the owner or upon the owner's authorization.	Current with effective legislation through Chapter 120 of the 2022 Regular Session of the Rhode Island Legislature.
South Carolina	SC ST § 40-82-270: Notifying supplier	(2) Any consumer, owner, end user, or person who alters or modifies in any way his liquefied petroleum gas equipment, gas burning appliance, or system installed by a licensed dealer shall, for informational purposes, notify the licensed dealer who next fills or otherwise services his liquefied petroleum gas system that such work has been performed. The licensed dealer shall notify their customers	Current through 2022

	concerning installation and servicing of system; notice regarding alterations or modifications.	in writing at least once per year of the customer's statutory obligation of notification in regard to modifications to their propane appliances or systems. This notice should be provided in a separate and distinct disclosure and not a part of other safety literature given to customers.	Act No. 239, except Act No. 226
South Dakota	SDCL § 34-39-9: Use of containers for other purposes as misdemeanor	No person other than the owner and those authorized by the owner to do so, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas, compound, or for any other purpose whatsoever.	Current through laws of the 2022 Regular Session and Supreme Court Rule 22-10.
Tennessee	T. C. A. § 68-135-108: Containers; brands, marks and labels; disconnection and removal; transportation	(c) No liquefied petroleum gas dealer, including its agents and employees, may dismantle, disconnect, evacuate, repair, deface, fill, or refill a container belonging to another dealer unless: <ol style="list-style-type: none"> 1. Prior written permission shall have been granted by the dealer who owns the container; 2. Prior written permission shall have been granted by the owner or lessee of the premises where the container is located, except that the owner or lessee may not grant permission to fill or refill a container; 3. The action is taken at the direction of the authority having jurisdiction as defined in NFPA Pamphlet No. 58; or 4. The action is taken at the direction of an incident commander dealer with an emergency. 	Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through June 1, 2022.

Texas	<p>Tex. Bus. & Com. Code Ann. § 2002.004: Filling or Refilling of Container by Nonowner</p>	<p>A person who is not the owner of a liquefied petroleum gas container may fill or refill the container if the person who occupies the premises where the container is located:</p> <ol style="list-style-type: none"> 1. requests the service; and 2. signs a written request stating that: <ol style="list-style-type: none"> A. an emergency exists; and B. the owner is unavailable to fill or refill the container, as applicable. 	<p>Current through the end of the 2021 Regular and Called Sessions of the 87th Legislature.</p>
Utah	<p>U.C.A. 1953 § 53-7-315: Liquefied Petroleum Gas Act</p>	<p>(6)(a) Except as provided in Subsection (6)(c), a person who fills a leased container in violation of the terms of a written lease is liable in an action by the container lessor for the greater of..</p> <p>(b)(i) The burden of ascertaining the terms of a written lease for purposes of Subsection (6)(a) is on the person filling the container.</p> <p>(ii) A person has ascertained the terms of a written lease if he has:</p> <ol style="list-style-type: none"> (A) read the lease; (B) received the assurance of the container owner that the lease does not prohibit the person from filling the container; (C) obtained a signed, written statement from the lessee that the written lease does not prohibit the person from filling the container; or (D) the leased container is clearly labelled as a container subject to lease terms prohibiting the filling of the container without the lessor's permission. 	<p>Current with laws through the 2022 Third Special Session.</p>

		(6)(c) If a lessee or lessor misrepresents his ownership or the terms of his written lease under Subsection (6)(b), the lessee or lessor who made the misrepresentation, and not the person filling the tank, is liable for the damages under Subsection (6)(a).	
Vermont	Vt. Admin. Code 3-2-109:CP 111.19: Safety	(a) No seller shall fill a tank without the permission of the tank owner.	Complete through June, 2022.
Virginia	VA Code Ann. § 18.2-494: Unlawful use of, filling or refilling or trafficking in containers	No person except the owner thereof or person authorized in writing by the owner shall fill or refill with liquefied petroleum gas, or any other gas or compound, a liquefied petroleum gas container...	Statute current through 2022 regular session.
Washington	WAC §296-24-47505(14)(b): Storage and Handling of Liquefied Petroleum Gases	(b) You must fill or use containers only upon the authorization of the owner.	Current with amendments adopted through the 22-11 Washington State Register, dated June 1, 2022.
West Virginia	NA	NA	NA
Wisconsin	Chapter 101, §101.16(3): Liquefied Petroleum Gas	No person, other than the owner of a liquefied petroleum gas container or a person authorized by the owner, may fill, refill, evacuate, or use in any other manner the container for any purpose.	Current through 2021 Act 257 and Acts 259-264, 266, and 267, published April 16, 2022.

Wyoming	NA	NA	NA
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