

AMENDMENTS TO LB 1234

(Amendments to E & R amendments, AM7251)

1 1. Insert the following new sections:

2 "Sec. 6. Section 57-501, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 57-501. As used in sections 57-501 to 57-507 unless the
5 context otherwise requires:

6 (1) Person ~~shall mean and include~~ means and includes any
7 person, persons, firm, or corporation;

8 (2) Owner ~~shall mean and include~~ means and includes (a)
9 any person who holds a written bill of sale or other instrument
10 under which title to the container was transferred to such person,
11 (b) any person who holds a paid or receipted invoice showing
12 purchase and payment of such container, (c) any person whose name,
13 initials, mark, or other identifying device has been plainly and
14 legibly stamped or otherwise shown upon the surface of such
15 container for a period of not less than one year prior to the final
16 enactment and approval of sections 57-501 to 57-507, or (d) any
17 manufacturer of a container who has not sold or transferred
18 ownership thereof by written bill of sale or otherwise;

19 (3) Liquefied petroleum gas ~~shall mean and include~~ means
20 and includes any material which is composed predominantly of
21 hydrocarbons or mixtures of the same, such as propane, propylene,
22 butanes (normal butane and isobutane), and butylenes; ~~and~~

23 (4) Container means any vessel, including a cylinder or

1 tank, used for storing of liquefied petroleum gas; and

2 (5) Cylinder means a container constructed in accordance
3 with the United States Department of Transportation specifications
4 in 49 C.F.R. Cylinder shall mean a container used for liquefied
5 petroleum gas constructed in accordance with Interstate Commerce
6 Commission specifications and the capacity of which is not more
7 than thirty water gallons or one hundred pounds of liquefied
8 petroleum gas.

9 Sec. 7. Section 57-502, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 57-502. No cylinder shall be filled or refilled with
12 liquefied petroleum gas, or any other gas or compound, nor shall
13 ~~such a~~ cylinder be bought, sold, offered for sale, given, taken,
14 loaned, delivered, or permitted to be delivered or otherwise used,
15 or trafficked in, unless such cylinder shall have been subjected to
16 a test by interior hydrostatic pressure in a waterjacket or other
17 apparatus of suitable form approved by the Bureau of Explosives of
18 the Interstate Commerce Commission within ten years from the date
19 of its manufacture or within ten years after having been subjected
20 to such test, PROVIDED, that without regard to the date of previous
21 test, cylinders that show bad dents or other evidence of rough
22 usage, or that are corroded locally to such extent as to indicate
23 possible weakness, or that have lost as much as five percent of
24 their official tare weight, must be retested before being again
25 charged and shipped. After any retest, the actual tare weight for
26 those cylinders passing the test may be recorded as their official
27 ~~tare weight~~ meets the requirements of the regulations of the United

1 States Department of Transportation as they exist on the effective
2 date of this act.

3 Sec. 8. Section 57-503, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 57-503. While in transit, in storage, and ~~while~~ being
6 moved into final utilization, all cylinders containing liquefied
7 petroleum gas must have their valves protected as required by the
8 regulations of the United States Department of Transportation on
9 the effective date of this act. ~~by metal caps or a metal~~
10 ~~protection shield securely attached to the cylinder and of~~
11 ~~sufficient strength to protect the valves from injury.~~

12 Sec. 9. Section 57-504, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 57-504. No person, except the owner thereof or persons
15 authorized in writing by ~~said~~ the owner so to do, shall fill or
16 refill with liquefied petroleum gas, or any other gas or compound,
17 a ~~liquefied petroleum gas~~ container, or buy, sell, offer for sale,
18 give, take, loan, deliver, or permit to be delivered, or otherwise
19 use, dispose of, or traffic in a ~~liquefied petroleum gas~~ container
20 ~~or containers~~ if such container ~~shall bear~~ bears upon the surface
21 thereof in plainly legible characters the name, initials, mark, or
22 other device of ~~said~~ the owner; nor shall any person, other than
23 the owner of a ~~liquefied petroleum gas~~ container or a person
24 authorized in writing by ~~said~~ the owner, ~~so to do,~~ deface, erase,
25 obliterate, cover up, or otherwise remove or conceal any such name,
26 mark, initial, or device thereon. The ~~PROVIDED,~~ the person using
27 any ~~such cylinder~~ container may purchase the same at his or her

1 option from the owner at a fair and reasonable market value, and
2 after such purchase may purchase liquefied petroleum gas upon the
3 open market.

4 Sec. 10. Section 57-505, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 57-505. The use of a ~~liquefied petroleum gas cylinder,~~
7 ~~as defined in subdivision (4) of section 57-501,~~ container by any
8 person other than the person whose name, mark, initial, or device
9 ~~shall be or shall have~~ is or has been upon such ~~liquefied petroleum~~
10 ~~gas cylinder~~ container, without written consent or purchase of such
11 marked and distinguished ~~liquefied petroleum gas cylinder~~
12 container, for the sale of liquefied petroleum gas or filling or
13 refilling with liquefied petroleum gas, or the possession of such
14 ~~liquefied petroleum gas cylinders~~ container by any person other
15 than the person having his or her name, mark, initial, or other
16 device thereon, without the consent of such owner, ~~shall and is~~
17 ~~hereby declared to be~~ is presumptive evidence of the unlawful use,
18 filling or refilling, or trafficking in of such ~~liquefied petroleum~~
19 ~~gas cylinders~~ container.

20 Sec. 11. Section 57-506, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 57-506. Whenever any person~~,~~ ~~or the president,~~
23 ~~secretary,~~ ~~treasurer,~~ ~~or other officer of any corporation mentioned~~
24 ~~in section 57-501,~~ ~~or a duly authorized agent who has personal~~
25 ~~knowledge of the facts,~~ makes an oath in writing before
26 any judge of the county court~~,~~ that the party ~~so~~ making such the
27 affidavit has reason to believe and does believe that ~~any liquefied~~

AM3196
LB 1234
DSH-03-31

AM3196
LB 1234
DSH-03-31

1 ~~petroleum gas cylinders,~~ as defined by subdivision (4) of section
2 ~~57-501,~~ a container which is marked with the name, initials, mark,
3 or other device of ~~such owners,~~ are the owner is in the possession
4 of or being used by or being filled or refilled by ~~any~~ a person
5 whose name, initials, mark, or other device does not appear on ~~such~~
6 ~~cylinders,~~ the container and who is in the possession of, filling
7 or refilling, or using ~~any such cylinders~~ the container without the
8 consent of the owner, ~~of such name, initials, or trademark,~~ the
9 judge may, when satisfied that there is reasonable cause, issue a
10 search warrant and cause the premises designated to be searched for
11 the purpose of discovering and obtaining the ~~same~~ container. The
12 judge may also cause the person who possesses the container to be
13 brought before the judge and him or her the person in whose
14 ~~possession such cylinders may be found and shall then~~ inquire into
15 the circumstances of such possession. If ~~such~~ the judge finds that
16 such person ~~has been~~ is guilty of a violation of sections 57-501 to
17 57-507, ~~he or she~~ the judge shall sentence as provided in section
18 57-507 and shall also award the possession of ~~property~~ the
19 container, including the contents, ~~of the cylinders,~~ taken upon
20 such search warrant, to the owner thereof.

21 Sec. 12. Original sections 57-501 to 57-506, Reissue
22 Revised Statutes of Nebraska, are repealed."

23 2. Insert underscoring in the original sections.