

SECOND REGULAR SESSION

# HOUSE BILL NO. 1877

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLACK.

5907H.021

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 323, RSMo, by adding thereto one new section relating to retail sales of propane gas, with a penalty provision and an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 323, RSMo, is amended by adding thereto one new section, to be  
2 known as section 323.120, to read as follows:

**323.120. 1. Notwithstanding any other provision of law to the contrary, any retail  
2 seller of propane registered under this chapter with the commission shall sell propane in  
3 any quantity demanded to any paying customer or to any individual who has received  
4 funds for the purchase of propane from either the Federal Low Income Home Energy  
5 Assistance Program or the energy crisis intervention program within the department of  
6 social services. No minimum purchase requirement shall be imposed on such individuals  
7 by a retail seller of propane registered under this chapter and delivery of propane to such  
8 individuals shall be done in a timely manner substantially equivalent to the average time  
9 of delivery of propane to other customers. The department shall verify the provision of  
10 funds for the purchase of propane if contacted by a retail seller prior to transportation of  
11 the propane to the end user.**

**12 2. The provisions of this section shall apply from November first to March  
13 thirty-first of each year and will also apply to any other time period falling under 4 C.S.R.  
14 240 - 13.055 or a substantially similar regulation commonly known as the cold weather rule  
15 and promulgated by the Missouri public service commission.**

**16 3. A violation of this section shall be a civil infraction subject to a fine not to exceed  
17 one hundred dollars per violation and shall also constitute authorization for the revocation**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 or suspension of registration to sell and transport propane by the commission under this  
19 chapter.

20 **4. The Missouri propane gas commission may promulgate rules to effectuate the**  
21 **provisions of subsection 3 of this section. Any rule or portion of a rule, as that term is**  
22 **defined in section 536.010, that is created under the authority delegated in this section shall**  
23 **become effective only if it complies with and is subject to all of the provisions of chapter**  
24 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and**  
25 **if any of the powers vested with the general assembly under chapter 536 to review, to delay**  
26 **the effective date, or to disapprove and annul a rule are subsequently held**  
27 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
28 **after August 28, 2014, shall be invalid and void.**

29 **5. The department of social services may promulgate rules to effectuate the**  
30 **provisions of subsection 1 of this section. Any rule or portion of a rule, as that term is**  
31 **defined in section 536.010, that is created under the authority delegated in this section shall**  
32 **become effective only if it complies with and is subject to all of the provisions of chapter**  
33 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and**  
34 **if any of the powers vested with the general assembly under chapter 536 to review, to delay**  
35 **the effective date, or to disapprove and annul a rule are subsequently held**  
36 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
37 **after August 28, 2014, shall be invalid and void.**

Section B. Because the rapid transportation and sale of small quantities of propane to  
2 residential users during extremely cold weather conditions is a vital public interest, this act is  
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,  
4 and is hereby declared to be an emergency act within the meaning of the constitution, and this  
5 act shall be in full force and effect upon its passage and approval.

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