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HOUSE BILL NO. 1754

Offered January 14, 2009

Prefiled January 7, 2009

A BILL to amend and reenact §§ 18.2-494 and 18.2-495 of the Code of Virginia, relating to the unlawful use of, filling, evacuating, refilling or trafficking in containers.

Patron—Hargrove

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-494 and 18.2-495 of the Code of Virginia are amended and reenacted as follows:

§ 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, evacuate or refill with liquefied petroleum gas, or any 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.~~ No person other than the owner of a liquefied petroleum gas container or a person authorized in writing by the owner shall deface, erase, obliterate, cover up, or otherwise remove or conceal any name, mark, initial or device ~~thereon~~ on such container.

§ 18.2-495. Presumptive evidence.

The (i) use of a liquefied petroleum gas container ~~or containers by any person other than the person whose name, mark, initial or device is on the liquefied petroleum gas container or containers, without written consent; or, (ii) purchase of the marked and distinguished liquefied petroleum gas container for the sale of liquefied petroleum gas, or (iii) filling, evacuation or refilling a liquefied petroleum gas container with liquefied petroleum gas, or (iv) possession of the liquefied petroleum gas containers container, by any person other than the person having his name, mark, initial or other device thereon on the liquefied petroleum gas container, without the written consent of such owner, is presumptive evidence of the unlawful use, filling, evacuation or refilling, or trafficking in of such liquefied petroleum gas containers.~~

INTRODUCED

HB1754