

West Virginia Division of Weights & Measures Issues Important Reminders and New Operating Procedures

Officials with the WV Division of Weights & Measures are reminding all propane marketers doing business in the state that there are specific regulations governing sales, advertising and receipts for all purchases of propane.

They also have new procedures which need to be followed when an inspector is checking a propane facility.

The following pages detail what must be followed and what a company can be cited and fined.

Any questions may be directed to the Office of Weights & Measures,
telephone 304-722-0602
or http://www.wvlabor.com/newwebsite/Pages/W&M_contacts.html

Subject: Sale of Liquefied Petroleum Gas Products

This policy shall apply ONLY to liquefied petroleum Gas products sold for other than motor fuel in refillable cylinders.

West Virginia Code Chapter 47, Article 1, "The Weights and Measures Law", requires ALL sales to be made on the basis of NET Weight or Volume. The use of a "FLAT RATE" for the filling of refillable cylinders is PROHIBITED. It is also a violation of the WEST VIRGINIA CODE to sell less than the quantity represented.

Reference: West Virginia Code Chapter 47-1, "Weights and Measures", and NIST Handbook 130, Uniform Laws and Regulation", Uniform Method of Sale of Commodities Regulation, adopted as West Virginia Code Chapter 47-1-6.

Policy:

1. Method of Sale

ALL sales of liquefied petroleum gases, including BUT not limited to propane, butane, and mixtures thereof, SHALL BE by net weight or volume.

- (a) All metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gallons or less, shall be accomplished by use of a meter and device that *automatically compensates for temperature*.

2. Charges

The price charged **MUST BE** prominently and conspicuously displayed at the **POINT of SALE** (where the scale and/or meter is located.)

- (a) Price **MUST BE** in terms of price per unit of measure, for example \$2.30 per gallon OR \$0.54 per pound
- (b) When advertised in any manner with the retail price stated, the unit of measure as required by this regulation **SHALL BE** closely and conspicuously associated with the price.
- (c) *SERVICE CHARGE*. Notice of **ANY** service charges, the amount of the service charge, and an explanation of the services to be provided **MUST BE** prominently posted and visible to the consumer **PRIOR** to the sale.

PROPANE--\$2.30 PER GALLON

4.24 POUNDS (LBS) EQUALS (1) ONE GALLON

EXAMPLES:

SAMPLE SIGN

Determining Amount Delivered and Sale Price:

This IS a suggested method; there are other ways to determine the amount of product delivered which may be used if they assure the consumer is ONLY charged for the product that is delivered at time of sale.

Gross Weight of Cylinder (Minus Protective Cap)	23 pounds 8 ounces	23.5 lbs
Deduct Tare Weight (Stamped on Cylinder)	<u>19.25 lbs</u>	<u>19.25</u>
Residual Product in Cylinder		4.25 lbs
(Example: Amount of product cylinder will safely contain is 17.5 pounds (17.5 lbs is an example, actual fill levels MUST BE determined by seller)		
Fill to Safe Level (Gross Weight)	37 pounds	37.00 lbs
	Minus Residual Product	4.25 lbs
	<u>Minus Tare Weight</u>	<u>19.25 lbs</u>
	NET PRODUCT Delivered	13.50 lbs

Conversion and Price Determination:

$$\frac{13.50 \text{ lbs}}{4.24 \text{ lbs}} = 3.183 \text{ gallons} \times \$2.30 = \$7.32$$

3. Conversion of Volume

If the cylinder is filled by weight and converted to gallons and/or gallons converted to weight,

- (a) a conversion chart MUST BE prominently posted (at POINT of SALE) giving notice of the conversion factor used, for example 4.24 lbs equals 1 (one) gallon
- (b) The conversion factor to be used in ALL sales SHALL BE:
ONE GALLON (231 inch cubed at 60 degrees) = 4.24 pounds

4. Determining the NET QUANTITY delivered:

The following method of determining the quantity delivered is recommended:

- (a) Determine the gross weight of the cylinder prior to connecting any lines or hoses. The protective cap SHALL NOT BE included in the gross weight. This weight may include residual gas in the cylinder.
- (b) Deduct the tare weight (stamped on the cylinder, or determine tare weight at time of sale by weighing the empty cylinder minus any protective cap) from the gross weight in order to determine any residual product remaining in the cylinder.
 1. If tare weight is determined at time of sale it MUST BE legibly marked on the cylinder OR on a tag attached to the cylinder at time of filling.
- (c) Fill cylinder to a safe level and determine the NET amount of product delivered
- (d) Under NO circumstances may the amount delivered be rounded to a larger number
- (e) Charges MUST BE computed, based upon the **NET AMOUNT of PRODUCT** delivered.

5. Receipt

A receipt MUST BE provided to customers and it should include:

- (a) Name, address and phone number of the seller
- (b) Net amount delivered, including any weight to volume conversion factors and calculations
- (c) Price per unit of measure
- (d) Service charge (If applicable)
- (e) Applicable taxes, (sales, etc)
- (f) TOTAL SALE price

CONSIDERATIONS for W&M INSPECTOR and PROPANE COMPANY TECHNICIANS.....

By-pass differential pressure MUST BE tested at the time of initial certification, and be within Manufacturer Specifications.. .50 lbs to 70 lbs

Appropriate electrical connections (110 volt standard) MUST BE within 100 feet of testing area.

Propane storage vessel MUST BE within 25 feet of the meter location to accommodate W&M return lines.

All stationary propane storage facilities and meters MUST BE installed in accordance with manufacturer's specifications, applicable NFPA 58 requirements as well as any other legal requirements OR state codes.

Plumbing of vapor and liquid lines MUST BE installed according to W&M specifications.

Propane Technicians/Installer MUST BE present for the INITIAL TEST by WEIGHT and MEASURE INSPECTORS.

ALL piping (liquid/vapor) MUST BE clearly identified for its intended use

Prohibited:

- 1. Teeing of the VAPOR RETURN line with the liquid by-pass relief device line is prohibited.....**
- 2. The use of any copper tubing bigger than 5/8 inch is prohibited...**
- 3. Having on hand, less than 40% of propane available in storage for testing purposes is prohibited.....**
- 4. Installation of refilling location SHALL meet the required Distance as PER "Table 6.5.3 Distance Between Point of Transfer and Exposures" and/or any Jurisdiction having Authority thereof....if NOT, It is prohibited**

Weight and Measure Meeting (LP)

A meeting was held on Tuesday the 30th of October 2012 at the Office of Weights/Measures in St Albans, West Virginia per The Policy on " Sale of Liquefied Petroleum Gas" -- Stationary LP Gas meters.

In attendance were the LP Gas Inspectors (West Virginia) and a few Technicians from the LP Gas Industry. The discussion was held in the need to get the stationary LP Gas meter installation in compliance with Handbook 44, Handbook 130 requirements. NFPA 58 (National Fire Protection Agency) of the State Fire Marshall was also in the LP discussion.

The proper installation (plumbing), the need to notify the Office of Weight/Measure (1-304-722-0602) of any new installation of a commercial measuring (meter)/weighing (scale) devices.

A meeting will be held in Gassaway, WV at the Dept of Highways (exit 62 on Interstate 79) on December 11, 2012 with the Weight/Measures Inspectors. The meeting will get underway at 11:00am and will conclude at 1:00pm. Handouts on the updates to the LP Gas Stationary Meters will be discussed and those handouts will be delivered to the LP Gas Companies in the W/M Inspectors' areas. The inspectors will be required to get the NAME of the contact at the business where the device (s) is located, the phone number and the address of meter location.

As of March 1, 2013, all LP Gas meters that are NOT in compliance will be REMOVED from commercial use until the device (s) is brought into compliance. The initial inspection will require the attendance of a representative/service technician from the owner of the equipment. This requirement may become necessary of future biennial inspection.

Thank You

Weights & Measures Links

WV Weights & Measures - <http://www.wvlabor.com>

WV Public Service Commission - <http://www.psc.state.wv.us/>

National Conference on Weights & Measures - <http://www.NCWM.net>

National Type Evaluation Program - <http://www.ncwm.net/ntep/>

Handbooks 44,130,133 etc. - <http://www.ncwm.net/publications/>

National Institute for Standards and Technology - <http://www.NIST.gov>

Southern Weights & Measures Association - <http://www.SWMA.org>

Underwriters Laboratory - <http://www.ul.com/global/eng/pages/>

ASTM International - <http://www.astm.org/>

West Virginia Department of Environmental Protection - <http://www.dep.wv.gov/Pages/default.aspx>

West Virginia Fire Marshall & State Fire Commission - <http://www.wvfiremarshal.org/>

Weights and Measures Section

Date of issue: September 1, 1999

Subject: Labeling Requirements for Pre-filled Propane Cylinders

Propane cylinders which are pre-filled and sold and/or exchanged are packages as defined by West Virginia Code Chapter 47-1-1.(1) which defines a package whether standard package or random package as any commodity:

- (1) Enclosed in a container or wrapped in any manner in advance of wholesale or retail sale; or
- (2) Whose weight or measure has been determined in advance of wholesale or retail sale.."

As such these cylinders are required to be labeled in accordance with West Virginia Code Chapter 47-1-16 Information Required on Packages. which requires that "any package whether a random package or standard package, kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of:

- (a) The identity of the commodity in the package, unless the same can be identified through the wrapper or container:
- (b) The quantity of contents in terms of weight, measure or count; and (C) The name and place of business of the manufacturer, packer, or distributor, in the case of any package kept, offered or exposed for sale or sold in any place other than on the premises where packed.

Failure to comply with these requirements is a violation of West Virginia Law.

***NOTE:** Other information may be required under federal and state regulations, such as safety information.*

As a temporary measure in order to allow continued sales a sign which plainly, clearly and conspicuously indicates the net weight of the cylinders and the sale price must be posted in close proximity to the product until the labeling corrections have been completed.

EMAIL: WWW.WVLABOR.ORG