

SENATE . . . . . No. 1312

By Mr. MacLean, a petition (accompanied by bill, Senate, No. 1312) of William Q. MacLean, Jr., for legislation relative to the regulation of portable oil fueled heaters. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT RELATIVE TO THE REGULATION OF PORTABLE OIL FUELED HEATERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 148 of the General Laws is hereby amended by de-  
2 leting Sections 5A, 25A and 25B thereof, and by inserting in  
3 place thereof the following new Sections: —

4 *Section 5A. Statement of Purpose and Definitions.*

5 1. Whereas, it is hereby declared that the public conven-  
6 ience and welfare of the citizens of Massachusetts dictate that  
7 portable oil fueled heaters offered for sale, sold, and used in  
8 this Commonwealth be safety-tested to address fire hazards  
9 and other dangers to the health, safety and welfare of the  
10 inhabitants of the Commonwealth which may exist in the ab-  
11 sence of legislation designed for such purpose.

12 *2. Definitions.*

13 As used in this Section, the following terms shall mean and  
14 include: —

15 (a) "*Portable Oil Fueled Heater*". Any nonflue-connected,  
16 self-contained, self-supporting, oil-fueled, heating appliance  
17 equipped with an integral reservoir, designed to be carried  
18 from one location to another.

19 (b) "*Oil*". Any liquid fuel with a flash point of greater  
20 than 100° Fahrenheit, including but not limited to kerosene.

21 (c) "*Listed*". Any portable oil fueled heater which has  
22 been evaluated with respect to reasonably foreseeable hazards  
23 to life and property by a nationally recognized testing or in-  
24 spection agency, such as Underwriters Laboratories, Inc., and  
25 which has been listed as being reasonably safe for its specific

26 purpose and shown in a list published by such agency and/or  
27 bears the mark, name and/or symbol of such agency as indi-  
28 cation that it has been so authorized. Such evaluation shall  
29 include but not be limited to evaluation of the requirements  
30 hereinafter set forth.

31 (d) "*Approved*". Approved by the authority having juris-  
32 diction over the sale and use of portable oil fueled heater as  
33 hereinafter set forth. Any listed portable oil fueled heater  
34 shall be approved if it satisfies the requirements hereinafter  
35 set forth and if the supplier certifies to the authority that it  
36 is listed and in compliance herewith.

37 (e) "*Structure*". Any building or completed construction  
38 of any kind, including but not limited to, private dwellings or  
39 any structure used for business, commercials or industrial pur-  
40 poses, but not including multiple dwellings.

41 (f) "*Multiple Dwellings*". A multiple dwelling is a dwell-  
42 ing which is either rented, leased, let or hired out to be occu-  
43 pied and is occupied as the residence or home of three or more  
44 families living independently of each other and shall include  
45 dwelling portions of hospitals, nursing homes, convents, mona-  
46 steries, asylums or public institutions.

47 (g) "*Definitions Paramount*". All definitions set forth in  
48 this section shall be paramount with respect to this Section  
49 and shall preempt any other definitions in these statutes per-  
50 taining, referring or relating to the subject matter hereof.

51 *Section 5B. Sale and Use of Approved Portable Oil Fueled*  
52 *Heaters.*

53 Approved portable oil fueled heaters may be offered for  
54 sale for use in, sold for use in, and used in structures in the  
55 Commonwealth, except that the use of a portable oil fueled  
56 heater in a multiple dwelling is specifically prohibited. Port-  
57 able oil fueled heaters which are not approved may not be  
58 offered for sale for use in, sold for use in, or used in structures  
59 in the Commonwealth. Approved portable oil fueled heaters  
60 may also be offered for sale for use in, sold for use in, and  
61 used in locations other than structures in the Commonwealth  
62 unless specifically prohibited by legislation of the Common-  
63 wealth.

64 *Section 5C. Requirements for Approved Portable Oil Fueled*  
65 *Heater.*

66 Approved portable oil fuel heaters must adhere to the fol-  
67 lowing requirements: —

68 (a) Approved portable oil fueled heaters must have label-  
69 ing affixed thereto such as to caution and inform concern-  
70 ing: —

71 (i) Provision of an adequate source of ventilation when  
72 the heater is in operation;

73 (ii) Use of only suitable fuel for the heater;

74 (iii) Proper manner of refueling;

75 (iv) Proper placement and handling of the heater when in  
76 operation; and

77 (v) Proper procedures for lighting, flame regulation, and  
78 extinguishing the heater.

79 (b) Approved portable oil fueled heaters must be packaged  
80 with instructions such as to inform concerning proper main-  
81 tenance and operation.

82 (c) Approved portable oil fueled heaters must be con-  
83 structed with a low center of gravity and minimum tipping  
84 angle of 33 degrees from the vertical with an empty reser-  
85 voir.

86 (d) Approved portable oil fueled heaters must have: —

87 (i) An automatic safety shut-off device or inherent design  
88 feature which substantially eliminates fire hazards in the  
89 event of tip-over and otherwise conforms with the standards  
90 set forth in National Fire Protection Association (NFPA) No.  
91 31,; and

92 (e) Approved portable oil fueled heaters must not produce  
93 carbon monoxide at rates which create a hazard when oper-  
94 ated as intended and instructed.

95 *Section 5D. Storage of Kerosene.*

96 Any portable containers in which kerosene is stored must  
97 not be red in color, nor may they be made of glass. They  
98 must clearly be marked "kerosene".

99 *Section 5E. Authority Having Jurisdiction.*

100 The Department of Public Safety shall be the only author-  
101 ity having jurisdiction over the approval, and the sale and

102 use of portable oil fueled heaters in this Commonwealth.

103 *Section 5F. Penalty for Failure to Comply with the*  
104 *Provisions of this Act.*

105 Whoever violates the provisions of Sections 5A-E, incl.,  
106 shall be punished by a fine of not more than two hundred and  
107 fifty dollars.

108 *Section 5G. Appeal.*

109 Any party wishing to take an appeal from any decision or  
110 determination by the Authority with regard to any applica-  
111 tion for approval of portable oil fueled heaters under this  
112 Section shall utilize the provisions of and be subject to Chap-  
113 ter 147, Section 5 of the Massachusetts General Laws.