

2001 ASSEMBLY BILL 643

November 27, 2001 – Introduced by Representatives STEINBRINK, STARZYK, BALOW, OTT, AINSWORTH, GRONEMUS, LADWIG, FREESE, GUNDERSON, SHILLING, STASKUNAS, RYBA and KREUSER, cosponsored by Senators WIRCH and BURKE. Referred to Committee on Housing.

1 **AN ACT** *to create* 101.147 of the statutes; **relating to:** removal of home heating
2 oil storage systems.

Analysis by the Legislative Reference Bureau

This bill requires any contractor that removes a home heating oil storage system or renders a home heating oil storage system inoperable to ensure that the external piping used for delivery of heating oil into the system is removed or filled with concrete. The bill also applies to a person who performs this work on property that the person owns or controls. In addition, the bill requires a person who owns or controls property where this work is performed to discontinue any home heating oil delivery service that is used for delivery of heating oil into the system that is removed or rendered inoperable. Current law does not contain any similar requirements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 101.147 of the statutes is created to read:
4 **101.147 Removal of home heating oil storage systems. (1) DEFINITION.**
5 In this section, “home heating oil storage system” means a home heating oil tank that
6 is used for consumptive use on the premises and that is situated on or above the floor

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1 in a basement, cellar, or similar area, together with any on-site integral piping or
2 dispensing system.

3 **(2) REQUIREMENT.** (a) *Contractors.* Any person who, under contract with a
4 person who owns or controls property, removes or renders inoperable a home heating
5 oil storage system on the property shall, as part of the work performed under the
6 contract, remove or fill with concrete all piping that is part of the system and that
7 is used for delivery of heating oil into the system.

8 (b) *Owners.* Any person who removes or renders inoperable a home heating oil
9 storage system on property owned or controlled by the person shall remove or fill with
10 concrete all piping that is part of the system and that is used for delivery of heating
11 oil into the system.

12 **(3) NOTICE TO VENDORS.** Any person who owns or controls property on which
13 work described under sub. (2) is performed shall discontinue all services for delivery
14 of home heating oil for use in the home heating oil storage system that is removed
15 or rendered inoperable. The person shall discontinue the service by providing
16 written notice to the home heating oil vendor consistent with the terms of any
17 contract between the person and the vendor, but in no case later than 7 day before
18 the next scheduled delivery after the date on which the system is removed or
19 rendered inoperable.

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(END)