

S-5116

1 Amend Senate File 2235 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. NEW SECTION. **216A.105 Deliverable**  
5 **fuels — mandatory delivery — penalties and remedies.**

6 1. A deliverable fuel vendor engaged in the  
7 business of providing deliverable fuel to customers in  
8 this state shall not withhold the sale or delivery of  
9 deliverable fuel to a customer from November 1 through  
10 April 1 annually if either of the following apply:

11 a. The customer makes a prepaid cash payment in  
12 an amount corresponding to the current statewide  
13 average delivery order price per gallon for the  
14 deliverable fuel, as determined by the office of energy  
15 independence, multiplied by two hundred fifty.

16 b. The customer is certified as eligible for the  
17 federal low-income home energy assistance program.

18 2. A deliverable fuel vendor is not prohibited  
19 from withholding the sale or delivery of deliverable  
20 fuel to a customer who is certified as eligible  
21 for the federal low-income home energy assistance  
22 program and has received the maximum amount of annual  
23 assistance pursuant to the program, or who cannot make  
24 a prepaid cash payment for deliverable fuel pursuant to  
25 subsection 1, paragraph "a".

26 3. A deliverable fuel vendor providing deliverable  
27 fuel to a customer described in subsection 1, paragraph  
28 "a", may apply up to twenty-five percent of the  
29 cash payment toward any unpaid balance owed to the  
30 deliverable fuel vendor.

31 4. a. A customer shall be responsible for the  
32 reasonable cost of system safety checks conducted  
33 by a deliverable fuel vendor, unless the customer  
34 is certified as eligible for the federal low-income  
35 home energy assistance program and the cost is paid  
36 for with program funds. System safety check payments  
37 shall be in addition to, and shall not reduce, the  
38 cash payment otherwise available for deliverable fuel  
39 sale or delivery pursuant to subsection 1, paragraph  
40 "a". A deliverable fuel vendor of propane conducting a  
41 system safety check shall inform customers certified  
42 as eligible for the low-income home energy assistance  
43 program of the existence of programs and projects  
44 developed by the Iowa propane education and research  
45 council to provide assistance to persons certified as  
46 eligible for the program, if applicable based upon the  
47 results of the safety check. A deliverable fuel vendor  
48 shall not be required to make or complete a delivery  
49 of deliverable fuel if a system safety check reveals  
50 mechanical problems or defects with the system which

1 constitute a safety hazard or concern.  
2 *b.* A customer shall be responsible for the  
3 reasonable cost of delivering the deliverable fuel to  
4 the customer, as determined by the deliverable fuel  
5 vendor, unless the customer is certified as eligible  
6 for the federal low-income home energy assistance  
7 program and the cost is paid for with program funds.  
8 Delivery fees or charges shall be in addition to, and  
9 shall not reduce, the cash payment otherwise available  
10 for the deliverable fuel sale or delivery pursuant to  
11 subsection 1, paragraph "a".  
12 5. A violation of this section is an unlawful  
13 practice pursuant to section 714.16 and a prohibited  
14 practice pursuant to chapter 714H.  
15 6. For the purposes of this section, unless the  
16 context otherwise requires:  
17 *a.* "Customer" means an existing customer of a  
18 deliverable fuel vendor or a prospective customer  
19 who submits an application or otherwise applies for  
20 the purchase or delivery of deliverable fuel from a  
21 deliverable fuel vendor serving the general geographic  
22 area or vicinity where the fuel will be delivered.  
23 *b.* "Deliverable fuel" means propane or any other  
24 heating fuel sold or delivered in this state for home  
25 heating purposes.  
26 *c.* "Deliverable fuel vendor" means a retail propane  
27 marketer or a retail dispenser or marketer of a  
28 deliverable fuel other than propane.  
29 *d.* "Propane" and "retail propane marketer" mean the  
30 same as defined in section 101C.2.>  
31 2. Title page, line 2, after <circumstances,> by  
32 inserting <providing penalties,>  
33 3. By renumbering as necessary.

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