

ENROLLED SENATE  
BILL NO. 149

By: Long (Ed) of the Senate

and

Williams of the House

An Act relating to the Liquefied Petroleum Gas Board; amending 52 O.S. 1991, Sections 420.3, 420.4, 420.7, 420.8 and 420.9, which relate to liquefied petroleum gases; modifying statutory references; deleting obsolete language; deleting duplicative language; clarifying certain standards; modifying certain notice requirements; prohibiting liability for certain damages under certain conditions; providing for application of act; modifying list of entities not required to obtain certain permit; modifying procedures pertaining to issuance of permits; providing for semiannual permit and fee; authorizing Board to establish certain specifications; authorizing Board to establish certain specifications and initial permit fees; deleting permit class descriptions; adding certain fees and modifying certain late fee; eliminating nonresident fees; authorizing Board to establish certain minimum insurance amounts; requiring certain insurance remain in full force and effect; modifying insurance cancellation notification requirement; deleting exception for certain insurance coverage; authorizing Board to direct certain rules requiring proof of accuracy of metering systems; modifying penalty; changing certain test methods standards; modifying requirements for certain transport trucks; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 52 O.S. 1991, Section 420.3, is amended to read as follows:

Section 420.3 ~~(a)~~ A. There is hereby re-created the Oklahoma Liquefied Petroleum Gas Board, hereinafter sometimes referred to as "LP-Gas Board" or "Board". The Board shall be composed of seven (7) members, one each from the southeastern, northeastern, northwestern and southwestern quarters of the state, one from central Oklahoma, and two from the state at large. Each such appointment shall be made by the Governor, from a list of three or more nominees who have certified in writing their willingness to serve, to be submitted to him by the persons, firms or corporations required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, or by their representatives, and shall be subject to confirmation by the Senate.

~~(b)~~ B. No person shall be appointed as a member of the Board unless at the time of his appointment he or she ~~be a citizen of the United States and shall have~~ has been a legal resident of the State of Oklahoma for at least five (5) years next preceding the date of his or her appointment and, except for the two members at large, shall have actively engaged in the retail distribution of liquefied petroleum gas in Oklahoma for a period of one (1) year, or more. One of the members at large shall be engaged in and representative of the container and appliance phases of the LPG business in Oklahoma, and the other shall have a general familiarity with the regulatory problems of the industry and the consuming public. Provided, however, that the appointment of such public member shall not be subject to the aforementioned list which is required to be submitted to the Governor. Members shall be eligible for reappointment for successive terms, and shall be removable for cause by the Governor. A member shall automatically be disqualified to hold such office in event he or she ceases to be a legal resident of the State of Oklahoma or ceases to be actively engaged in the liquefied petroleum gas business in Oklahoma.

~~(e)~~ C. Re-creation shall not alter existing membership or terms of office. Members shall serve until their successors in office are duly appointed and qualified. Initial appointments of those members of the Board from the designated geographical areas of the state shall be for terms ranging from one (1) to five (5) years, the Governor to designate same, and the initial terms of office of the members at large on said Board shall be for one (1) and two (2) years, respectively, as designated by the Governor. Thereafter, the terms of all members shall be for four (4) years. In the event of the death, resignation, disqualification or incapacity of one or more members of said Board, a recess appointment for the unexpired term of each such member may be made by the Governor as hereinabove provided. Members of the Board shall be entitled to be reimbursed for necessary travel expenses as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

~~(d)~~ D. The Board shall organize by electing one of its members as chairman and one member as vice-chairman. Regular meetings of said Board shall be held monthly. The date, time and place of any regular meeting shall be as designated by vote of the majority of the membership. Four (4) members of said Board shall constitute a quorum for all purposes. The chairman or vice-chairman may, upon approval of a majority of the members present and voting at any meeting, designate the time, place and date of any scheduled special meeting, and the chairman or vice-chairman shall have the power to call an unscheduled special meeting of the Board upon not less than five (5) days' notice in writing to each member thereof.

~~(e)~~ E. The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association ~~in 1969~~ and published in ~~its~~ Pamphlet No. 58 including current and subsequent editions and any subsequent changes and/or additions to the pamphlet, and the standards for the installation of gas appliances and gas piping adopted by ~~said~~ the National Fire Protection Association ~~in 1969~~ and published in ~~its~~ Pamphlet No. 54 including the current and any subsequent editions and any subsequent changes and/or additions to the pamphlet shall be the accepted standards for this state. ~~Any supplementary or additional rules and regulations adopted by the National Fire Protection Association subsequent to the date of this act and included in said Pamphlet No. 58 or said Pamphlet No. 54 shall be the accepted standards for this state and are hereby adopted.~~ The said Board is hereby empowered

and authorized, and it shall be its duty to prescribe, adopt and promulgate, in the manner set forth in this act, ~~such rules, regulations or specifications~~ relating to safety in the storage, distribution, dispensing, transporting and utilization of LPG in this state and in the manufacture, fabrication, assembly, sale, installation or use in this state of LPG systems, containers, apparatus or appliances, and reasonable rules ~~and regulations~~ governing the issuance of such permits and operations thereunder, and not inconsistent with this act, as it shall deem just and reasonable, and to revoke, amend or supersede such supplementary rules ~~and regulations~~.

~~(f)~~ F. The Administrator shall administer and enforce all rules ~~and regulations~~ formulated and adopted by the Board and administer and enforce the safety rules, ~~regulations and specifications~~ prescribed, adopted or promulgated by said Board under and by virtue of the provisions of this act, and incur all necessary expenditures in effectuating the purposes of this subsection. The Administrator shall serve as secretary to said Board, and shall be subject to confirmation by the Senate.

~~(g)~~ G. Before any rules, ~~regulations or specifications~~ are revised, amended, adopted or promulgated hereunder, the Administrator, acting on behalf of said Board, shall give ~~at least~~ ten (10) days' notice to all ~~registrants~~ Class I and Class II permit holders under the act, by mailing to ~~such registrants~~ the permit holders a written notice, signed by the Administrator, on behalf of the Board, containing either a statement of the terms or substance of the intended action, a description of the subjects and issues involved, or an accurate copy of the new, revised or amended rules, ~~regulations or specifications~~ which the Board proposes to adopt and promulgate, stating the date, time and place of a public hearing at which oral or written objections to such proposals shall be heard and considered. Notice shall also be given as required by the Administrative Procedures Act ~~therein set forth~~, Section 250 et seq. of Title 75 of the Oklahoma Statutes. Nothing in this subsection shall prevent the furnishing of such other or additional notice as the Board shall direct.

~~(h)~~ H. At any hearing held under this section, not less than a quorum of said Board shall be present and shall preside; provided, however, that by unanimous vote and resolution the Board may authorize the Administrator to preside at any or all such hearings, and in such event no Board member need be present. After any such hearing the Board may, by majority vote, adopt any proposed new, revised or amended rules, ~~regulations or specifications~~, with such amendments and modifications thereof as the said Board shall deem just and reasonable, and a certificate reciting such adoption and the effective date thereof shall be signed by the members comprising said majority of said Board. The Administrator shall thereafter, within ten (10) days, cause such rules, ~~regulations or specifications~~ as so adopted to be mailed to each ~~registrant pursuant to the provisions of Sections 420.1 through 420.15 of this title~~ Class I and Class II permit holder under this act.

~~(i)~~ Any new, revised or amended rule, regulation or specification adopted as aforesaid shall become effective on a date designated in said certificate, but not earlier than the tenth day following the date of promulgation.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 420.3A of Title 52, unless there is created a duplication in numbering, reads as follows:

A. A person is not liable for damages caused solely by a malfunction or improper operation of a liquefied petroleum gas (LPG)

system that the person installed or serviced in a residential, commercial, or public building if:

1. The person is registered pursuant to Section 420.1 et seq. of this title to perform the installation or service;

2. The person has no control over the operation of the LPG system;

3. The person was not negligent; and

4. The person did not supply a defective product which was a producing cause of harm.

B. This act shall apply only to a cause of action for damages arising out of a malfunction or the improper operation of a liquefied petroleum gas system that occurs on or after the effective date of this act.

SECTION 3. AMENDATORY 52 O.S. 1991, Section 420.4, is amended to read as follows:

Section 420.4 A. No person, firm, or corporation shall manufacture, fabricate, assemble, or install in this state any system, container, apparatus, or appliance used or to be used in this state in or for the transportation, storage, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense or transport over the highways of this state any LPG intended for use in this state in any such system, container, apparatus, or appliance, without having first applied for and obtained a registration permit to do so. A permit shall not be required by any person, firm, or corporation engaged in the production or manufacture of LPG, or selling or reselling LPG to transporters, ~~industrial consumers~~, processors, distributors, or retailers, nor by any person, firm, or corporation selling or delivering motor vehicles or tractors which are factory equipped with an LPG system, container, apparatus, or appliance for the utilization of LPG as motor fuel. The provisions of this section shall not prevent an individual from installing in his own single-unit residence any system, container, apparatus, or appliance which uses or will utilize LPG, provided, that such individual has secured an inspection of such installation by the Administrator or someone designated by the Administrator or by a person duly licensed to make such an installation prior to the use of said system, container, apparatus or appliance. Applications for registration permits shall be in writing, on a form provided by the Board, and shall contain such pertinent information as is required by the Board. Upon approval of each said application and receipt of the certificates of insurance or securities required by the provisions of this section, the Administrator shall issue to the applicant a permit to engage in the phase of the liquefied petroleum gas industry in this state to which such permit applies. The permit shall be nontransferable. Nothing in Sections 420.1 through 420.15 of this title shall be construed to regulate the manufacturing, fabrication, assembling, selling, or installing of any system, container, apparatus, or appliance having a fuel container with a maximum individual water capacity of less than two and one-half (2 1/2) pounds.

B. 1. All such registration permits shall expire on September 1 of each year. The Administrator may issue a semiannual permit to applicants engaging in any such business after March 1 of any year. A semiannual permit shall run until September 1 of the year issued, and the Administrator shall prorate the fee for such permit annually with no permit extending longer than one (1) calendar year. The expiration dates will be set by the Board in the rules. The administrator may issue a semiannual permit to applicants engaging in the business within six (6) months or less of the annual renewal

date. A semiannual permit shall expire on the following annual expiration date. The fee for a semiannual permit shall be one-half (1/2) that of the fee of the annual permit. All registration permits required pursuant to the provisions of this section shall be renewed upon payment of the annual fees on or before the expiration of the registration permit, and upon fulfilling all insurance requirements. The Board is authorized to establish necessary penalty provisions required to ensure prompt payment of said ~~renewal~~ annual fees.  ~~Holders of permits issued on or before June 24, 1971, shall not be required to take examinations to secure the reissuance of the same class permit held by such persons~~

2. The Board is authorized to establish specifications which set forth the scope of authority for each class of permits.

3. The Board is authorized to establish an initial permit fee for the issuance of Class I and Class II permits to any person, firm or corporation for the first time.

—C. Persons, firms, and corporations required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, at the time of issuance of each such permit, shall pay to the Administrator the initial permit fee if applicable and whichever of the following annual fees are applicable to the permit issued:

1. ~~Class I - Dealer Permit. Authorizes the holder to engage in any phase of the LPG business. The Board may require that the person actually in charge of an LPG operation, other than the holder of the permit, secure a Class X Manager's Permit. Fee - One Hundred Fifty Dollars (\$150.00).~~

2. ~~Class II - Truck Transporter Permit. Authorizes the holder to transport LPG from a person, firm, or corporation engaged in the production or manufacture of LPG or selling or reselling LPG to transporters, industrial consumers, processors, distributors, retailers, or to holders of Class I, III, VI or VII permits. Fee One Hundred Twenty-five Dollars (\$125.00) - One Hundred Fifty Dollars (\$150.00).~~

3. ~~Class III - ICC DOT Cylinder Transporter Permit. Authorizes the holder to operate ICC cylinder filling stations and cylinder delivery services. Fee - One Hundred Dollars (\$100.00).~~

4. ~~Class IV - Installer Permit. Authorizes the holder to install and service LPG systems, appliances, and other LPG equipment. Fee - Thirty-five Dollars (\$35.00).~~

~~4-A. Class IV-A - Manufactured Home Installer Permit. Authorizes the holder to install and service manufactured home LPG systems, appliances, and other manufactured home LPG equipment. Fee Thirty-five Dollars (\$35.00).~~

5. Class IV-D - Driver/Installer Permit - Thirty-five Dollars (\$35.00).

6. Class V - LPG Carburetion Installer Permit. Authorizes the holder to install and service LPG carburetion systems. Fee Thirty-five Dollars (\$35.00) - Fifty Dollars (\$50.00).

~~6. 7. Class VI - ICC Cylinder Station Operator Permit. Authorizes the holder to operate ICC cylinder charging stations. Fee Thirty-five Dollars (\$35.00) DOT Cylinder and/or LP Gas Motor Fuel Station Operator - Seventy Dollars (\$70.00).~~

7. 8. Class VI-A - LP-Gas Dispensing Permit - Five Dollars (\$5.00).

9. Class VII - LPG Motor Fuel Station Operator Permit. Authorizes the holder to operate an LPG motor fuel tank charging station. Fee Cylinder Exchange Program Permit - Thirty-five Dollars (\$35.00).

~~8. 10. Class VIII - Appliance Dealer Permit. Authorizes the holder to sell LPG appliances. Fee = Thirty-five Dollars (\$35.00) per wholesale or retail outlet.~~

~~9. 11. Class IX - LPG Container Sales Permit. Authorizes the holder to manufacture or sell LPG containers. This permit is required by both wholesalers and retailers. Fee = Thirty-five Dollars (\$35.00).~~

~~9-A. 12. Class IX-A - Manufactured Homes and Recreation Sales Permit. Authorizes the holder to manufacture, fabricate, or sell LPG facilities or systems used in manufactured homes, trailers, campers, recreational vehicles, and portable buildings whether such LPG systems are manufactured, fabricated, or sold separately or as an integral part of a manufactured home, trailer, camper, recreational vehicle, or portable building. Fee = Thirty-five Dollars (\$35.00). An owner of a manufactured home or recreational vehicle intending to sell such manufactured home or recreational vehicle who is not engaged in such business on a commercial basis and does not make over two such sales in one (1) year shall not be required to obtain a permit as required by this section.~~

~~10. 13. Class X - Manager's Permit. Said permit is required for a person actively in charge of an LPG operation other than the holder of a Class I permit. Fee = One Hundred Dollars (\$100.00).~~

D. 1. Each person, firm, or corporation holding a permit authorizing the use of an LPG bulk delivery truck or trailer shall pay at the time of inspection an annual inspection fee of One Hundred Twenty Dollars (\$120.00) for each said delivery truck or trailer belonging to said person, firm, or corporation. Each person, firm, or corporation who does not hold a permit issued by the Board authorizing the use of an LPG bulk delivery truck or trailer in the state shall pay an annual inspection fee of ~~One Hundred Dollars (\$100.00)~~ One Hundred Twenty Dollars (\$120.00) for each such truck or trailer belonging to said person, firm, or corporation being used to dispense or transport LPG in the state.

2. The inspection fee shall increase to Two Hundred Forty Dollars (\$240.00) per vehicle if said inspection is not completed within sixty (60) days of the expiration date, or at a later date at the discretion of the Administrator.

E. Any LPG bulk delivery truck or trailer failing to be approved at its annual inspection shall be assessed a fee of Twenty-five Dollars (\$25.00) at the time that it is reinspected.

F. The fees provided for in this section shall be applicable to residents and nonresidents of Oklahoma. ~~Nonresidents whose state of residence charges Oklahoma residents a higher fee for a comparable license than those fees provided for in this section shall be required to pay the amount charged by their state of residence to Oklahoma residents.~~

G. The Board is authorized to approve or disapprove applications for registration permits to distributors and retailers of LPG and managers of LPG establishments. The Administrator is authorized to approve or disapprove all other applications for registration permits that may be issued pursuant to the provisions of ~~subsection A of~~ this section.

1. No application shall be approved by the Administrator unless the Administrator is satisfied that the applicant by written examination has shown a working knowledge of the safety requirements provided by the rules and regulations of the Board.

2. No application shall be approved by the Board unless the Board is satisfied by adequate written examination of the applicant, or the individual who is or shall be directly responsible for actively supervising the operations of such applicant which is a

partnership, firm, or corporation, that the applicant or such individual has a working knowledge of the safety requirements provided by the rules ~~and regulations~~ of the Board. The Board shall cause to be held public hearings on the second Monday in the months of January, April, July, and October of each year on all applications for new registration permits required by the provisions of this section, or upon such other occasions as the Board may deem necessary. Notice of each hearing shall be mailed to each such applicant and shall be posted in a conspicuous place in the Office of the Administrator in Oklahoma City, Oklahoma, at least thirty (30) days prior to the date of such hearing. Said notice shall include the name, address, permit class, and business location of each applicant whose application is to be considered at the hearing. Such applicant, or the individual who is or shall be directly responsible for and actively supervising the operations of such applicant, shall be present at such hearing before the application will be considered by the Board. If, after the public hearing, an applicant is found by the Board to have a working knowledge of the safety requirements provided by the rules and regulations of the Board, the Board shall cause an order to that effect to be entered upon its records and the application shall be approved. In the event an applicant fails to qualify, said fact shall be entered upon the Board's records.

3. The Board shall charge a fee of Fifty-five Dollars (\$55.00) for testing materials and the expense of holding the examinations provided for in this section. Said fee shall be paid upon filing an application for any permit.

4. Any person failing an examination twice in succession shall not be permitted to make application or take examination for the same class permit until six (6) months have elapsed since taking the last test.

H. A registration permit shall not be issued to any applicant unless the Administrator has received certificates of insurance or security as required by this section.

I. Except as otherwise provided for in this section, all persons, firms, or corporations engaged in the business of manufacturing, fabricating, assembling, or installing any LPG system, container, apparatus, or appliance in this state, and required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, shall file with the Administrator a certificate indicating liability insurance coverage for the manufacturer and contractor. ~~Such~~ The Board is authorized to establish coverage amounts for each class of permit, provided coverage shall be for an amount of not less than ~~Ten Thousand Dollars (\$10,000.00)~~ to ~~Twenty Thousand Dollars (\$20,000.00)~~ Twenty-five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than ~~Ten Thousand Dollars (\$10,000.00)~~ Twenty-five Thousand Dollars (\$25,000.00) for property damage, and shall be in full force and effect, covering the plant, equipment, and motor vehicles used in such business, and the operations of the business.

J. Except as otherwise provided for in this section, all transporters, distributors, or retailers of LPG in this state, required to be registered pursuant to Sections 420.1 through 420.15 of this title, shall file with the Administrator a certificate indicating that public liability and property damage insurance coverage ~~with limits~~ has been issued. The Board is authorized to establish coverage amounts for each class of permit, provided coverage shall be for an amount of not less than ~~Ten Thousand Dollars (\$10,000.00)~~ to ~~Twenty Thousand Dollars (\$20,000.00)~~ Twenty-

five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than Ten Thousand Dollars (\$10,000.00) Twenty-five Thousand Dollars (\$25,000.00) for property damage has been issued, and is in full force and effect, covering the plant, equipment, and motor vehicles used in such business, and the operations of said business.

K. Insurance pursuant to the provisions of this section shall be ~~kept and remain in force~~ maintained in full force and effect during the ~~lifetime of the~~ operation of the business for which the coverage was issued. Except as otherwise provided for in this section, no registration permit shall be issued until said certificate is filed with the Administrator. ~~Such~~ No insurance coverage shall ~~not~~ be canceled or terminated ~~unless~~ without thirty (30) days prior written notice of ~~such~~ cancellation or termination ~~is given to the Administrator, thirty (30) days prior to cancellation date of said coverage.~~ Products liability insurance coverage is not required.

L. The Board is authorized, upon proof of or a satisfactory showing that any person, firm, or corporation is financially able to pay or satisfy any judgment, claim, or demand against such person, firm, or corporation, to waive the insurance coverage required by this section. The Board, in lieu of said certificate, may require the deposit, with the Administrator, of securities, or satisfactory indemnity bond, in an amount and of a kind designated by the Board, to secure the liability of such person, firm, or corporation to pay any judgment, claim, or demand. Such security shall not be in excess of the limits set forth in this section. If the Board deems the financial status of such person, firm, or corporation to be impaired so as to reduce the ability of such person, firm, or corporation to make payment or to satisfy any judgment, claim, or demand, the Board may revoke such waiver and require such person, firm, or corporation to file certificates required by this section within thirty (30) days' after written notice is sent by the Board to such person, firm, or corporation.

SECTION 4. AMENDATORY 52 O.S. 1991, Section 420.7, is amended to read as follows:

Section 420.7 ~~(a)~~ A. It shall be the duty of the Administrator to inspect, or to provide for the inspection of, any LPG systems, containers, apparatus, or appliances installed in this state, and any LPG bulk-delivery trucks or trailers used in this state, whenever in the discretion of the Administrator, any deputy, or any inspector such inspection is necessary to effectuate the purposes of this act. The Administrator or any deputy or inspector are hereby severally empowered and authorized to enter upon any premises where any such installation is being or has been made to conduct such inspection.

~~(b)~~ B. The Administrator, ~~at his discretion~~ under the direction of the Board, shall require proving of metering system to determine the accuracy to be within the manufacturer's tolerance not to exceed plus or minus one percent (1%) at any time. The LP-gas liquid meter system shall be designed and constructed to provide for applying lead-and-wire seals in such a manner that no modifications or adjustments which would affect the accuracy of deliveries, can be made without mutilating the seal or seals.

~~(c)~~ C. Every person to whom the Board or the Administrator issues a registration permit as herein provided shall have the same in his immediate possession at all times when engaged in that phase of the LP-gas business for which the same was issued and shall display the same upon demand of the Administrator, the chief deputy administrator, or any deputy administrator or inspector.

~~(d)~~ D. The Administrator and the chief deputy administrator, and such deputies and inspectors as the administrator shall by appropriate written commission appoint, shall have all of the powers and authority of peace officers of this state in making arrests for violations of this act or the safety rules, ~~regulations or specifications~~ promulgated thereunder, or in serving any process, notice or order connected with the enforcement of this act issued by the Administrator.

~~(e)~~ E. The Administrator, the chief deputy administrator and any deputy administrator or inspector is hereby empowered and authorized to sign complaints against and to cause the arrest of any person charged with a violation or violations of this act or the safety rules, ~~regulations or specifications~~ promulgated thereunder; provided, further, that in the event the district attorney fails or refuses to draw or endorse any complaint submitted to him and the complainant, whether it be the Administrator, the chief deputy administrator or any deputy administrator or inspector, desires to secure prosecution of the complaint, then and in that event any court of competent jurisdiction shall be authorized to issue a warrant for the arrest of the person charged in the complaint and the complainant shall not be required to file with the court the bond provided to be filed with and approved by the court in Sections 231 through 233, Title 22 of the Oklahoma Statutes.

~~(f)~~ F. The Administrator and any deputy or inspector are hereby severally empowered and authorized to condemn any liquefied petroleum gas system, container, apparatus or appliance in this state not manufactured, fabricated, assembled or installed in accordance with the safety rules, ~~regulations or specifications~~ adopted or promulgated under this act, and shall have the authority to forbid the use of any such system, container, apparatus or appliance unless and until the same have been made to comply in all respects with such safety rules, ~~regulations or specifications~~.

~~(g)~~ G. The Administrator is hereby empowered and authorized to inspect or cause the inspection of the records of any person, firm or corporation pertaining to the installation by such person, firm or corporation of liquefied petroleum gas systems, containers, apparatus or appliances in this state.

~~(h)~~ H. The Attorney General of the State of Oklahoma shall appear and represent the Administrator and the Board and members thereof, or any of them, in all litigation or other proceedings that may arise in the discharge of his, its or their duties and shall, at the request of the Administrator, assist the district attorney in prosecuting charges of violations of this act.

SECTION 5. AMENDATORY 52 O.S. 1991, Section 420.8, is amended to read as follows:

Section 420.8 Any person, firm or corporation violating any of the provisions of this act, or any rule, ~~regulation and/or specification~~ promulgated thereunder, or installing in this state any liquefied petroleum gas system or appliance which does not comply with such safety rules, ~~regulations and/or specifications~~ shall be guilty of a misdemeanor, and upon conviction thereof such person or the responsible members of such firm, or the responsible officers of such corporation, shall be punished by a fine of not ~~more less than Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 6. AMENDATORY 52 O.S. 1991, Section 420.9, is amended to read as follows:

Section 420.9 ~~(a)~~ A. All liquefied petroleum gases designated as commercial propane, commercial butane, ~~and/or~~ mixtures thereof,

sold for consumption in this state, shall, when subjected to the test methods of the ~~Natural Gasoline~~ Gas Processors Association of America, meet applicable specifications adopted as tentative standards by said Association for the particular product sold.

~~(b)~~ B. All vehicles used in hauling or transporting liquefied petroleum gases upon the highways of this state shall be identified in such manner as the Administrator may, by rule, ~~regulation and/or specifications,~~ prescribe.

~~(c)~~ C. Nothing in this act contained shall be construed to alter, modify, or amend the motor carrier laws of the State of Oklahoma. The Department of Public Safety of the State of Oklahoma shall cooperate with the Administrator in the enforcement of the provisions of this act, and the rules, ~~regulations and/or specifications~~ promulgated thereunder.

~~(d)~~ D. Transport trucks transporting liquefied petroleum gases out of the state, but not required to bear Oklahoma license, shall not be subject to the permit fees prescribed by this act, but shall be subject to all of the other requirements thereof, ~~and to an inspection fee of Fifty Dollars (\$50.00) annually per truck of this act and any safety rule or specification promulgated thereunder.~~

~~(e)~~ E. Bulk deliveries of liquefied petroleum gases at retail shall be metered in accordance with ~~regulations~~ rules promulgated by LP-Gas Board.

~~(f)~~ F. Containers shall be filled or used only upon authorization of the fee simple owner. The name of the fee simple owner, if other than the consumer, shall be conspicuously shown on the container.

~~(g)~~ G. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product. During the actual transfer of liquids into containers at domestic type dwellings and installations, the attendant shall not enter into any type of enclosure, such as truck cabs, dwellings, barns, etc., and shall maintain visual contact with the liquid level gauge at all times.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 19th day of May, 1994.

President of the Senate

Passed the House of Representatives the 23rd day of May, 1994.

Speaker of the House of Representatives