

SHORT TITLE: Oil and gas; transferring authority over liquefied

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2774

By: Morgan

AS INTRODUCED

An Act relating to oil and gas; abolishing the Liquefied Petroleum Gas Board; transferring powers and duties of Board to the Corporation Commission; amending 52 O.S. 1991, Sections 420.2, 420.3, as last amended by Section 1, Chapter 234, O.S.L. 1997, 420.4, as last amended by Section 2, Chapter 234, O.S.L. 1997, 420.6, as amended by Section 3, Chapter 234, O.S.L. 1997, 420.7, as amended by Section 4, Chapter 330, O.S.L. 1994, 420.9, as amended by Section 6, Chapter 330, O.S.L. 1994, 420.11, 420.15 and Section 2, Chapter 185, O.S.L. 1993 (52 O.S. Supp. 1997, Sections 420.3, 420.4, 420.6, 420.7, 420.9 and 420.17), which relate to the regulation of liquefied petroleum gas; changing certain duties and powers from the Board to the Corporation Commission; deleting certain functions of the Board; providing for codification; and providing effective dates.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 420.1A of Title 52, unless there is created a duplication in numbering, reads as follows:

On and after July 1, 1999, the Liquefied Petroleum Gas Board is hereby abolished, and the powers, duties and responsibilities exercised by the Board pursuant to law are hereby transferred to the Corporation Commission. All unexpended funds, property, records, personnel and any outstanding financial obligations and encumbrances of the LP-Gas Board are hereby transferred to the Corporation Commission.

SECTION 2. AMENDATORY 52 O.S. 1991, Section 420.2, is amended to read as follows:

Section 420.2 ~~(a) A.~~ There is hereby created a State Liquefied Petroleum Gas Administrator, to be appointed by the ~~Governor from a list of nominees submitted by the Oklahoma Liquefied Petroleum Gas Board, hereinafter created~~ Corporation Commission. ~~Said appointment shall be subject to confirmation by the Senate.~~ The Administrator shall receive a salary to be established by the ~~Oklahoma Liquefied Petroleum Gas Board;~~ Corporation Commission. The Administrator shall act in no other official or quasi-official capacity except as herein provided; ~~and shall serve at the pleasure of the Governor.~~

~~(b) B.~~ The Administrator, subject to approval of ~~said Board~~ the Commission, shall appoint and fix the duties and compensation of employees necessary to perform the duties imposed upon the ~~Oklahoma Liquefied Petroleum Gas Board~~ Corporation Commission with regard to liquefied petroleum gas by law.

~~(c) C.~~ Persons appointed to the positions of Administrator, chief deputy administrator, deputy administrator or liquefied petroleum gas inspector shall be citizens of the United States; shall be legal residents of this state; shall be physically, mentally and morally capable of performing the duties imposed upon them under this act; shall not have been convicted of a felony~~;~~ ; and

shall, after the date of their appointment, not be engaged in any business in this state related to the production, manufacture, distribution, sale, installation or transportation of any of the products or equipment ~~covered~~ regulated by ~~Sections~~ Section 420.1 ~~through 420.13~~ et seq. of this title. Every appointee shall, by education, training and experience, which for the Administrator shall include at least two (2) years' experience in positions of responsibility in or connected with the liquefied petroleum gas industry, for the chief deputy administrator and deputy administrators shall include at least one and one-half (1 1/2) years of such experience, and for inspectors shall include at least two (2) years' experience in actual physical installation or inspection of liquefied petroleum gas systems, containers, apparatus or appliances, or installations thereof, be qualified and competent to perform the duties imposed upon them under this act. Before entering upon their duties, appointees shall take the constitutional oath of office.

~~(d)~~ D. In the event of a vacancy in the office of Administrator, or in the event of his absence or disability, the chief deputy administrator is hereby empowered and authorized to perform the duties of the Administrator during the time of such vacancy, absence or disability.

SECTION 3. AMENDATORY 52 O.S. 1991, Section 420.3, as last amended by Section 1, Chapter 234, O.S.L. 1997 (52 O.S. Supp. 1997, Section 420.3), is amended to read as follows:

Section 420.3 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. No person shall be appointed as a member of the Board unless at the time of his appointment he or she 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.~~

~~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.~~

~~D. The Board shall organize by electing one of its members as chairman and one member as vice-chairman. The Board shall hold regular meetings. The date, time and place of any regular meeting shall be as designated by vote of the majority of the membership. Four 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. The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association and published in 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 the National Fire Protection Association and published in 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. The ~~said Board~~ Corporation Commission is hereby empowered and authorized, and it shall be its duty to prescribe, adopt and promulgate, in the manner set forth in Section 420.1 et seq. of this title, rules 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 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.

~~F.~~ B. The Administrator shall administer and enforce all rules formulated and adopted by the ~~Board~~ Commission and administer and enforce the safety rules prescribed, adopted or promulgated by ~~said Board~~ the Commission under and by virtue of the provisions of Section 420.1 et seq. of this act title, 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.~~ C. Before any rules are revised, amended, adopted or promulgated hereunder, the Administrator, acting on behalf of ~~said Board~~ the Commission, shall give ten (10) days' notice to all Class I and Class II permit holders under the act, by mailing to the permit holders a written notice, signed by the Administrator, on behalf of the ~~Board~~ Commission, 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 which the ~~Board~~ Commission 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. Nothing in this subsection shall prevent the furnishing of such other or additional notice as the ~~Board~~ Commission shall direct.

~~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 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 so adopted to be mailed to each Class I and Class II permit holder under this act.~~

SECTION 4. AMENDATORY 52 O.S. 1991, Section 420.4, as last amended by Section 2, Chapter 234, O.S.L. 1997 (52 O.S. Supp. 1997, 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, 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~~ Corporation Commission, and shall contain such pertinent information as is required by the ~~Board~~ Commission. 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~~ Section 420.1 ~~through 420.15~~ et seq. 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 annually with no permit extending longer than one (1) calendar year. The expiration dates will be set by the ~~Board~~ Commission 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~~ Commission is authorized to establish necessary penalty provisions required to ensure prompt payment of said annual fees.

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

3. The ~~Board~~ Commission 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~~ Section 420.1 ~~through 420.15~~ et seq. 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 - One Hundred Fifty Dollars (\$150.00).

2. Class II - Truck Transporter Permit - One Hundred Fifty Dollars (\$150.00).

3. Class III - DOT Cylinder Transporter Permit - One Hundred Dollars (\$100.00).

4. Class IV - Installer Permit - Thirty-five Dollars (\$35.00).

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

6. Class V - LPG Carburetion Installer Permit - Fifty Dollars (\$50.00).

7. Class VI - DOT Cylinder and/or LP Gas Motor Fuel Station Operator - Seventy Dollars (\$70.00).

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

9. Class VII - Cylinder Exchange Program Permit - Thirty-five Dollars (\$35.00).

10. Class VIII - Appliance Dealer Permit - Thirty-five Dollars (\$35.00).

11. Class IX - LPG Container Sales Permit - Thirty-five Dollars (\$35.00).

12. Class IX-A - Manufactured Homes and Recreation Sales Permit - Thirty-five Dollars (\$35.00).

13. Class X - Manager's Permit - 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~~ Commission authorizing the use of an LPG bulk delivery truck or trailer in the state shall pay an annual inspection fee of 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.

G. The ~~Board~~ Commission 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 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 of the ~~Board~~ Commission.

2. No application shall be approved by the ~~Board~~ Commission unless the ~~Board~~ Commission 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 of the ~~Board~~ Commission. The ~~Board~~ Commission 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~~ Commission 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~~ Commission. If, after the public hearing, an applicant is found by the ~~Board~~ Commission to have a working knowledge of the safety requirements provided by the rules ~~and regulations~~ of the ~~Board~~ Commission, the ~~Board~~ Commission 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~~ Commission 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.

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~~ Section 420.1 through 420.15 et seq. of this title, shall file with the Administrator a certificate indicating liability insurance coverage for the manufacturer and contractor. The ~~Board~~ Commission is authorized to establish coverage amounts for each class of permit, provided coverage shall be for an amount of not less than Twenty-five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than 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~~ Section 420.1 through 420.15 et seq. of this title, shall file with the Administrator a certificate indicating that public liability and property damage insurance coverage has been issued. The ~~Board~~ Commission is authorized to establish coverage amounts for each class of permit, provided coverage shall be for an amount of not less than Twenty-five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than 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 maintained in full force and effect during 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. No insurance coverage shall be canceled or terminated without thirty (30) days prior written notice of cancellation or termination to the Administrator.

L. The ~~Board~~ Commission 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~~ Commission, 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~~ Commission 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~~ Commission 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~~ Commission to such person, firm, or corporation.

SECTION 5. AMENDATORY 52 O.S. 1991, Section 420.6, as amended by Section 3, Chapter 234, O.S.L. 1997 (52 O.S. Supp. 1997, Section 420.6), is amended to read as follows:

Section 420.6 ~~(a)~~ A. The Administrator is authorized to suspend or revoke any registration permit issued by the ~~Board Corporation Commission~~, if it is found at a hearing on the matter, that the registrant has violated or is violating or has failed or is failing to comply with any provisions of Section 420.1 et seq. of this title, or the rules or specifications promulgated thereunder, or has delivered a lesser quantity of gas than the registrant bills the customer for with intent to defraud.

~~(b)~~ B. Upon ~~his or her own~~ a motion by the Administrator, or upon the receipt of written complaint from ~~any member of the Board Commission~~, or from any deputy administrator or inspector, that a registrant has violated or is violating or has failed or is failing to comply with any of the provisions of Section 420.1 et seq. of this title, or the safety rules, ~~regulations and/or~~ or specifications promulgated thereunder, the Administrator is authorized and it shall be his or her duty to hold a public hearing to consider such complaint. The Administrator shall have the power to conduct investigations; to summon and compel the attendance at such hearing of witnesses; to require the production of any records or documents pertinent to the subject matter of any investigation or hearing; and to provide for the taking of depositions of witnesses in accordance with the rules for the district courts of this state. Notice of the date, time and place of any such hearing shall be given by registered mail not less than ten (10) days, exclusive of the date of mailing, before the date thereof, addressed to the registrant complained against and to any other parties involved, each of whom shall have the right to file answer, to appear and be heard in person and by counsel, and to present evidence at such hearing.

~~(e)~~ C. If the Administrator finds at a hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of this act or such rules or specifications, the Administrator, if the findings justify such action, shall issue an order suspending the registrant's registration permit for a period not to exceed ninety (90) days, revoking the registration permit, or imposing a fine of not more than Five Hundred Dollars (\$500.00) for each separate offense. Any fine imposed pursuant to this section shall be deposited with the State Treasurer for credit to the General Revenue Fund.

~~(d)~~ D. The Administrator's findings, judgment and order shall be reduced to writing and be recorded in a permanent public record to be retained in the office of the Administrator. Copies shall be furnished to the registrant complained against and to the ~~Oklahoma LP-Gas Board~~ Commission. Any registrant whose registration permit is suspended or revoked by the Administrator may, within thirty (30) days after such suspension or revocation, file an appeal with the district court of Oklahoma County or in the county wherein the registrant resides or has its principal place of business in this state, where the matter shall be heard de novo, but the Administrator's order shall be affirmed if supported by substantial evidence. Upon filing of such appeal, enforcement of the Administrator's order shall be stayed pending final disposition of such appeal. Upon affirmance, the order shall become final and conclusive and the stay of enforcement shall be vacated.

~~(e)~~ E. The ~~Board~~ Commission shall adopt reasonable rules governing the sale or transfer of business, facilities or a permit connected with or to be used in operations subject to regulation under this act.

SECTION 6. AMENDATORY 52 O.S. 1991, Section 420.7, as amended by Section 4, Chapter 330, O.S.L. 1994 (52 O.S. Supp. 1997, Section 420.7), is amended to read as follows:

Section 420.7 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. The Administrator, under the direction of the ~~Board~~ Corporation Commission, 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. Every person to whom the ~~Board~~ Commission 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. 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 promulgated thereunder, or in serving any process, notice or order connected with the enforcement of this act issued by the Administrator.

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 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, of Title 22 of the Oklahoma Statutes.

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 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.

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. The Attorney General of the State of Oklahoma shall appear and represent the Administrator and the ~~Board~~ Commission 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 7. AMENDATORY 52 O.S. 1991, Section 420.9, as amended by Section 6, Chapter 330, O.S.L. 1994 (52 O.S. Supp. 1997, Section 420.9), is amended to read as follows:

Section 420.9 A. All liquefied petroleum gases designated as commercial propane, commercial butane, or mixtures thereof, sold for consumption in this state, shall, when subjected to the test methods of the Gas Processors Association of America, meet applicable specifications adopted as tentative standards by said Association for the particular product sold.

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, prescribe.

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 promulgated thereunder.

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 of this act and any safety rule or specification promulgated thereunder.

E. Bulk deliveries of liquefied petroleum gases at retail shall be metered in accordance with rules promulgated by the ~~LP-Gas Board~~ Corporation Commission.

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. 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 8. AMENDATORY 52 O.S. 1991, Section 420.11, is amended to read as follows:

Section 420.11 ~~(a)~~ A. All funds and/or fees, from whatsoever source derived, collected by the Administrator under the provisions of ~~Chapter 8~~ Sections 420.1 through 420.17 of this title, shall be paid daily into the State Treasury, and the State Treasurer shall credit same to the Liquefied Petroleum Gas Fund, which fund is hereby created. The Administrator and ~~or the Board~~ the Corporation Commission are hereby vested and empowered with the authority to make any and all necessary expenditures from said fund as are in their judgment reasonable and required to effectuate the purposes of this act. All expenditures from said Liquefied Petroleum Gas Fund shall be made under appropriations duly made and provided by statute, and shall be paid by the State Treasurer on warrants issued on vouchers approved by the Administrator. The Administrator shall annually file with the Governor a report of his activities, which shall include a statement of all receipts and disbursements.

~~(b)~~ B. Beginning July 1, 1984, all funds and/or fees collected by the Administrator under the provisions of ~~Chapter 8~~ Sections 420.1 through 420.17 of this title shall be deposited with the State Treasurer for credit to the General Revenue Fund of the state. On July 1, 1984, any unappropriated balance remaining in the Liquefied Petroleum Gas Fund shall be transferred to the credit of the General Revenue Fund of the state. Any unexpended funds remaining in the Liquefied Petroleum Gas Fund after November 15, 1984, shall be transferred to the credit of the General Revenue Fund of the state.

SECTION 9. AMENDATORY 52 O.S. 1991, Section 420.15, is amended to read as follows:

Section 420.15 The ~~LP-Gas Board~~ Corporation Commission shall provide for the holding of safety schools for the benefit of the liquefied petroleum gas dealers and employees in the State of Oklahoma, at such times and in such places as may be deemed advisable and may, by lawfully adopted rules, require attendance and successful completion of courses held as a condition precedent to retaining permits issued hereunder. The Administrator shall perform such duties in connection with those schools as the ~~Board~~ Commission might direct.

SECTION 10. AMENDATORY Section 2, Chapter 185, O.S.L. 1993 (52 O.S. Supp. 1997, Section 420.17), is amended to read as follows:

Section 420.17 An expense allowance of Fifty Dollars (\$50.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to Liquefied Petroleum Gas Inspectors. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the ~~Liquefied Petroleum Gas Board~~ Corporation Commission on the effective date of this act.

SECTION 11. Section 1 of this act shall become effective November 1, 1998.

SECTION 12. Sections 2 through 10 of this act shall become effective July 1, 1999.

46-2-8945 KB