

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 1844

By: Fields of the House

and

Rozell of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to oil and gas; amending 52 O.S. 1991, Sections 420.1, 420.2, Section 2, Chapter 330, O.S.L. 1994, 420.6, as last amended by Section 1, Chapter 67, O.S.L. 1998, and 420.9, as amended by Section 6, Chapter 330, O.S.L. 1994 (52 O.S. Supp. 1998, Sections 420.3A, 420.6 and 420.9), which relate to liquefied petroleum gas; creating short title; adding terms; updating language; providing for liability of certain persons; stating responsibility for installation, operation, repair and testing of certain systems, appliances, connections and piping; removing certain license requirement; requiring certain persons to comply with the Oklahoma Liquefied Petroleum Gas Regulation Act; removing certain fee requirements relating to motor carrier laws; amending 74 O.S. 1991, Section 130.17, as last amended by Section 9, Chapter 160, O.S.L. 1998 (74 O.S. Supp. 1998, Section 130.17), which relates to alternative fuels; removing certain certification and recertification requirement for certain persons; amending Section 3, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1998, Section 230.23), which relates to the Motor Carrier Act of 1995; providing additional exceptions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 52 O.S. 1991, Section 420.1, is amended to read as follows:

Section 420.1 ~~(a) The terms "liquefied A. The provisions of~~
Chapter 8 of Title 52 of the Oklahoma Statutes shall be known and
may be cited as the "Oklahoma Liquefied Petroleum Gas Regulation
Act".

1 B. For purposes of the Oklahoma Liquefied Petroleum Gas
2 Regulation Act:

3 1. "Administrator" means the State Liquefied Petroleum Gas
4 Administrator;

5 2. "Board" means the Oklahoma Liquefied Petroleum Gas Board;
6 and

7 3. "Liquefied petroleum gases", "LPG", or "LP-Gas", ~~when used~~
8 ~~in this act, shall mean~~ means and ~~include~~ includes any material
9 which is composed predominantly of any of the following
10 hydrocarbons, or mixtures of the same ~~;~~ : propane, propylene, ~~butanes~~
11 ~~(normal butane and isobutane), and butylenes.~~

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

14 Section 420.2 ~~(a)~~ A. There is hereby created a State Liquefied
15 Petroleum Gas Administrator, to be appointed by the Governor from a
16 list of nominees submitted by the Oklahoma Liquefied Petroleum Gas
17 Board, hereinafter created. ~~Said~~ The appointment shall be subject
18 to confirmation by the Senate. The Administrator shall ~~receive:~~

19 1. Receive a salary to be established by the Oklahoma Liquefied
20 Petroleum Gas Board; ~~shall act~~

21 2. Act in no other official or quasi-official capacity except
22 as herein provided; and ~~shall serve~~

23 3. Serve at the pleasure of the Governor.

24 ~~(b)~~ B. The Administrator, subject to approval of ~~said~~ the
25 Board, shall appoint and fix the duties and compensation of
26 employees necessary to perform the duties imposed upon the Oklahoma
27 Liquefied Petroleum Gas Board by law.

28 ~~(c)~~ C. 1. Persons appointed to the positions of Administrator,
29 chief deputy administrator, deputy administrator or liquefied
30 petroleum gas inspector shall:

31 a. be citizens of the United States; ~~shall,~~

32 b. be legal residents of this state; ~~shall,~~

1 c. be physically, mentally and morally capable of
2 performing the duties imposed upon them ~~under this~~
3 ~~act; shall~~ pursuant to the Oklahoma Liquefied
4 Petroleum Gas Regulation Act,

5 d. not have been convicted of a felony, and ~~shall,~~

6 e. after the date of their appointment, not be engaged in
7 any business in this state related to the production,
8 manufacture, distribution, sale, installation or
9 transportation of any of the products or equipment
10 covered by ~~Sections 420.1 through 420.13 of this title~~
11 the Oklahoma Liquefied Petroleum Gas Regulation Act.

12 ~~Every~~

13 2. Each appointee shall, by education, training and experience,
14 be qualified and competent to perform the duties imposed upon them
15 pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act,
16 which for:

17 a. the Administrator shall include at least two (2)
18 years' experience in positions of responsibility in or
19 connected with the liquefied petroleum gas industry,
20 ~~for~~

21 b. the chief deputy administrator and deputy
22 administrators shall include at least one and one-half
23 (1 1/2) years of such experience, and ~~for~~

24 c. the inspectors shall include at least two (2) years'
25 experience in actual physical installation or
26 inspection of liquefied petroleum gas systems,
27 containers, apparatus or appliances, or installations
28 thereof, ~~be qualified and competent to perform the~~
29 ~~duties imposed upon them under this act.~~

30 3. Before entering upon their duties, appointees shall take the
31 constitutional oath of office.

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

6 SECTION 3. AMENDATORY Section 2, Chapter 330, O.S.L.
7 1994 (52 O.S. Supp. 1998, Section 420.3A), is amended to read as
8 follows:

9 Section 420.3A A. A person is not liable for damages caused
10 solely by a malfunction or improper operation of a liquefied
11 petroleum gas (LPG) system that the person installed or serviced in
12 a residential, commercial, or public building if:

13 1. The person is registered pursuant to ~~Section 420.1 et seq.~~
14 ~~of this title~~ the Oklahoma Liquefied Petroleum Gas Regulation Act to
15 perform the installation or service;

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

18 3. The person was not negligent; and

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

21 B. This ~~act~~ section shall apply only to a cause of action for
22 damages arising out of a malfunction or the improper operation of a
23 liquefied petroleum gas system that occurs on or after ~~the effective~~
24 ~~date of this act~~ June 8, 1994.

25 SECTION 4. AMENDATORY 52 O.S. 1991, Section 420.6, as
26 last amended by Section 1, Chapter 67, O.S.L. 1998 (52 O.S. Supp.
27 1998, Section 420.6), is amended to read as follows:

28 Section 420.6 A. The State Liquefied Petroleum Gas
29 Administrator is authorized to suspend or revoke any registration
30 permit issued by the Oklahoma Liquefied Petroleum Gas Board or
31 impose an administrative penalty, if it is found at a hearing on the
32 matter, that the registrant has violated or is violating or has

1 failed or is failing to comply with any provisions of ~~Section 420.1~~
2 ~~et seq. of this title~~ the Oklahoma Liquefied Petroleum Gas
3 Regulation Act, ~~or the~~ any rules or specifications promulgated
4 ~~thereunder~~ or any order issued thereto, or has delivered a lesser
5 quantity of gas than the registrant bills the customer for with
6 intent to defraud.

7 B. 1. Upon the motion of the Administrator, or upon the
8 receipt of written complaint from any member of the Board, or from
9 any deputy administrator or inspector, that a registrant has
10 violated or is violating or has failed or is failing to comply with
11 any of the provisions of ~~Section 420.1 et seq. of this title~~ the
12 Oklahoma Liquefied Petroleum Gas Regulation Act, ~~or the~~ ~~safety~~
13 rules, ~~regulations and/or~~ specifications promulgated ~~thereunder~~ or
14 any order issued thereto, the Administrator is authorized and it
15 shall be ~~his or her~~ the duty of the Administrator to hold ~~a public~~
16 an administrative hearing pursuant to Article II of the
17 Administrative Procedures Act to consider such complaint.

18 2. The Administrator shall have the power to conduct
19 investigations; to summon and compel the attendance at such hearing
20 of witnesses; to require the production of any records or documents
21 pertinent to the subject matter of any investigation or hearing; and
22 to provide for the taking of depositions of witnesses ~~in accordance~~
23 ~~with the rules for the district courts of this state.~~

24 3. Notice of the date, time and place of any such hearing shall
25 be given by registered mail not less than ten (10) days, exclusive
26 of the date of mailing, before the date thereof, addressed to the
27 registrant complained against and to any other parties involved,
28 each of whom shall have the right to file answer, to appear and be
29 heard in person and by counsel, and to present evidence at such
30 hearing.

31 C. If the Administrator finds at ~~a~~ the hearing that the
32 registrant has violated or is violating or has failed or is failing

1 to comply with any provision of ~~this act~~ the Oklahoma Liquefied
2 Petroleum Gas Regulation Act or such rules ~~or~~, specifications or any
3 order issued thereto, the Administrator, if the findings justify
4 such action, shall issue an order suspending the registrant's
5 registration permit for a period not to exceed ninety (90) days,
6 revoking the registration permit, or imposing ~~a fine~~ an
7 administrative penalty of not more than Five Hundred Dollars
8 (\$500.00) for each separate offense. Any ~~fine~~ administrative
9 penalty imposed pursuant to this section shall be deposited with the
10 State Treasurer for credit to the General Revenue Fund.

11 D. 1. The Administrator's findings, judgment and order shall
12 be reduced to writing and be recorded in a permanent public record
13 to be retained in the office of the Administrator. Copies shall be
14 furnished to the registrant complained against and to the ~~Oklahoma~~
15 ~~LP-Gas~~ Board.

16 2. Any registrant who has been ~~fined~~ assessed an administrative
17 penalty or whose registration permit is suspended or revoked by the
18 Administrator may, ~~within thirty (30) days after such fine,~~
19 ~~suspension or revocation,~~ pursuant to Section 317 of Title 75 of the
20 Oklahoma Statutes, file for a rehearing, reopening or
21 reconsideration by the Board. The registrant shall be given the
22 opportunity to request a de novo hearing by the Board. Such
23 decision by the Board shall constitute final action by the Board.

24 3. Any registrant who has been assessed an administrative
25 penalty or whose registration permit has been suspended or revoked
26 upon review by the Board may, within thirty (30) days after such
27 filing, suspension or revocation, file an appeal with the district
28 court of Oklahoma County or in the county wherein the registrant
29 resides or has its principal place of business in this state, ~~where~~
30 ~~the matter shall be heard de novo, but the Administrator's order~~
31 ~~shall be affirmed if supported by substantial evidence~~ pursuant to
32

1 Article II of the Administrative Procedures Act. ~~Upon filing of~~
2 ~~such~~

3 E. 1. Except for an emergency as determined by the Board upon
4 the filing of a request for a rehearing, reopening or
5 reconsideration or as determined by the court upon an appeal for
6 judicial review of the order, enforcement of the Administrator's
7 order shall be stayed pending final disposition of such rehearing or
8 appeal.

9 2. Upon affirmance, the order shall become final and conclusive
10 and the stay of enforcement shall be vacated.

11 ~~E.~~ F. The Board shall ~~adopt~~ promulgate reasonable rules
12 governing the sale or transfer of business, facilities or a permit
13 connected with or to be used in operations subject to regulation
14 ~~under this act~~ pursuant to the Oklahoma Liquefied Petroleum Gas
15 Regulation Act.

16 SECTION 5. AMENDATORY 52 O.S. 1991, Section 420.9, as
17 amended by Section 6, Chapter 330, O.S.L. 1994 (52 O.S. Supp. 1998,
18 Section 420.9), is amended to read as follows:

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

25 B. All vehicles used in hauling or transporting liquefied
26 petroleum gases upon the highways of this state shall be identified
27 in such manner as the Administrator may, by rule, prescribe.

28 ~~C. Nothing in this act contained shall be construed to alter,~~
29 ~~modify, or amend the motor carrier laws of the State of Oklahoma.~~
30 The Department of Public Safety of the State of Oklahoma shall
31 cooperate with the Administrator in the enforcement of the
32

1 provisions of this ~~act~~ section, and the rules promulgated
2 thereunder.

3 D. Transport trucks transporting liquefied petroleum gases
4 intrastate which are owned or operated by a person subject to and
5 licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act
6 shall not be required to obtain or possess an intrastate motor
7 carrier or private carrier license issued by the Oklahoma
8 Corporation Commission.

9 E. Transport trucks transporting liquefied petroleum gases out
10 of the state, but not required to bear Oklahoma license, shall not
11 be subject to the permit fees prescribed by ~~this act~~ the Oklahoma
12 Liquefied Petroleum Gas Regulation Act, but shall be subject to all
13 of the other requirements of ~~this act~~ the Oklahoma Liquefied
14 Petroleum Gas Regulation Act and any safety rule or specification
15 promulgated thereunder.

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

19 ~~F.~~ G. Containers shall be filled or used only upon
20 authorization of the fee simple owner. The name of the fee simple
21 owner, if other than the consumer, shall be conspicuously shown on
22 the container.

23 ~~G.~~ H. At least one attendant shall remain close to the transfer
24 connection from the time the connections are first made until they
25 are finally disconnected, during the transfer of the product.
26 During the actual transfer of liquids into containers at domestic
27 type dwellings and installations, the attendant shall not enter into
28 any type of enclosure, ~~such as~~ including but not limited to truck
29 cabs, dwellings, and barns, ~~etc.~~, and shall maintain visual contact
30 with the liquid level gauge at all times.

1 SECTION 6. AMENDATORY 74 O.S. 1991, Section 130.17, as
2 last amended by Section 9, Chapter 160, O.S.L. 1998 (74 O.S. Supp.
3 1998, Section 130.17), is amended to read as follows:

4 Section 130.17 A. 1. All applications for examination,
5 certification or renewal of certification shall be made in writing
6 to the Department of Central Services on forms provided, if
7 necessary, by the Department of Central Services. All applications
8 shall be accompanied by the appropriate fee.

9 2. If ~~the applicant~~ a person holds a valid Class I Dealer
10 Permit properly issued by the Oklahoma Liquefied Petroleum Gas
11 Board, pursuant to Section 420.4 of Title 52 of the Oklahoma
12 Statutes, the ~~Department of Central Services shall waive the fee~~
13 requirements of this section for certification or renewal of
14 certification. ~~Proof of a Class I Dealer Permit properly issued by~~
15 ~~the Oklahoma Liquefied Petroleum Gas Board and a request for a~~
16 ~~waiver of the appropriate fees shall accompany the application~~ shall
17 not be required.

18 B. The following shall be the fees charged under the
19 Alternative Fuels Technician Certification Act.

20	Alternative Fuels Equipment Technician Examination	\$50.00
21	Alternative Fuels Compression Technician Examination	\$50.00
22	Electric Vehicle Technician Examination	\$50.00
23	Alternative Fuels Equipment Technician Certificate	\$50.00
24	Alternative Fuels Compression Technician Certificate	\$50.00
25	Electric Vehicle Technician Certificate	\$50.00
26	Certificate renewal, if made within thirty (30) days after	
27	expiration:	
28	Alternative Fuels Equipment Technician Certificate	\$50.00
29	Alternative Fuels Compression Technician Certificate	\$50.00
30	Electric Vehicle Technician Certificate	\$50.00
31	Penalty for Late Certification Renewal:	
32	Alternative Fuels Equipment Technician Certificate	\$10.00

1	Alternative Fuels Compression Technician Certificate	\$10.00
2	Electric Vehicle Technician Certificate	\$10.00
3	Certificate fee if certified after March 1 of each year:	
4	Alternative Fuels Equipment Technician Certificate	\$25.00
5	Alternative Fuels Compression Technician Certificate	\$25.00
6	Electric Vehicle Technician Certificate	\$25.00
7	Certificate fee if certified after June 1 of each year:	
8	Alternative Fuels Equipment Technician Certificate	\$12.50
9	Alternative Fuels Compression Technician Certificate	\$12.50
10	Electric Vehicle Technician Certificate	\$12.50
11	Company, Partnership or Corporation Certificate	\$100.00
12	Annual Renewal for Company, Partnership or Corporation	
13	Certificate	\$100.00
14	Training Program Certification (one-time fee)	\$500.00
15	Alternative Fuels Installation Certification	
16	Per Location	\$1,000.00
17	Annual Renewal of Alternative Fuels Installation	
18	Certification Per Location	\$1,000.00
19	SECTION 7. AMENDATORY Section 3, Chapter 143, O.S.L.	
20	1995 (47 O.S. Supp. 1998, Section 230.23), is amended to read as	
21	follows:	
22	Section 230.23 As used in the Motor Carrier Act of 1995:	
23	1. "Person" means any individual, firm, copartnership, limited	
24	partnership, corporation, limited liability corporation, company,	
25	association, or joint-stock association and includes any trustee,	
26	receiver, assignee, or personal representative thereof;	
27	2. "Commission" means the Oklahoma Corporation Commission;	
28	3. "License" means the license issued under authority of the	
29	laws of the State of Oklahoma to motor carriers and private	
30	carriers;	
31	4. "Interstate Registration Certificate" (IRC) means a document	
32	issued by the Commission granting permission to operate upon the	

1 highways of the State of Oklahoma in interstate commerce exempt from
2 federal motor carrier regulation;

3 5. "Motor vehicle" means any automobile, truck, truck-tractor,
4 trailer or semitrailer or any motor bus or any self-propelled
5 vehicle not operated or driven upon fixed rails or tracks;

6 6. "Motor carrier of persons or property" means any person,
7 except a carrier of household goods or used emigrant movables,
8 operating upon any public highway for the transportation of
9 passengers or property for compensation or for hire or for
10 commercial purposes, and not operating exclusively within the limits
11 of an incorporated city or town within this state. Provided, the
12 provisions of the Motor Carrier Act of 1995 shall not apply to the
13 following vehicles and equipment when such vehicles and equipment
14 are being used for the following:

15 a. cabs and bus companies engaged in the transportation
16 of passengers and their baggage, not operated between
17 two or more cities and towns, when duly licensed by a
18 municipal corporation in which they might be doing
19 business, ~~and shall not apply to~~

20 b. any person or governmental authority furnishing
21 transportation for school children to and from public
22 schools or to and from public-school-related
23 extracurricular activities under contract with, and
24 sponsored by, a public school board; provided, that
25 motor vehicles and equipment operated for the purposes
26 shall qualify in all respects for the transportation
27 of school children under the Oklahoma School Code and
28 the rules of the State Board of Education adopted
29 pursuant thereto. ~~Provided, this exemption shall~~
30 ~~apply only to such vehicles while they are being used~~
31 ~~for such transportation. Provided further, the~~
32

~~provisions of the Motor Carrier Act of 1995 shall not
apply to~~

c. transport trucks transporting liquefied petroleum
gases intrastate which are owned or operated by a
person subject to and licensed by the Oklahoma
Liquefied Petroleum Gas Regulation Act,

d. transportation of livestock and farm products in the
raw state, when any of such commodities move from farm
to market or from market to farm on a vehicle or on
vehicles owned and operated by a bona fide farmer not
engaged in motor vehicle transportation on a
commercial scale. ~~Provided further, the provisions of
this act shall not apply to, and~~

e. tour buses as defined by Section 1171 of this title;

7. "Corporate family" means a group of corporations consisting
of a parent corporation and all subsidiaries in which the parent
corporation owns directly or indirectly one hundred percent (100%)
interest;

8. "Intercompany hauling" means the transportation of
property, by motor vehicle, for compensation, by a carrier which is
a member of a corporate family, as defined in the Motor Carrier Act
of 1995, when the transportation for compensation is provided for
other members of the corporate family;

9. "Private carrier" means any person engaged in transportation
upon public highways, of persons or property, or both, but not as a
motor carrier, and includes any person who transports property by
motor vehicle where such transportation is incidental to or in
furtherance of any commercial enterprise of such person, other than
transportation;

10. "Market" means the point at which livestock and farm
products in the raw state were first delivered by the producer of

1 the livestock and farm products in the raw state, upon the sale
2 thereof;

3 11. "Public highway" means every public street, road or
4 highway, or thoroughfare in this state, used by the public, whether
5 actually dedicated to the public and accepted by the proper
6 authorities or otherwise; and

7 12. "Commercial enterprise" means all undertakings entered into
8 for private gain or compensation, including all industrial pursuits,
9 whether the undertakings involve the handling of or dealing in
10 commodities for sale or otherwise.

11 SECTION 8. This act shall become effective July 1, 1999.

12 SECTION 9. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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