

ENROLLED HOUSE  
BILL NO. 1844

By: Fields of the House

and

Rozell of the Senate

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".

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

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

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

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

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. ~~Said~~ The appointment shall be subject to confirmation by the Senate. The Administrator shall ~~receive~~:

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

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

3. Serve at the pleasure of the Governor.

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

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

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

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

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

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

e. 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 by Sections 420.1 through 420.13 of this title the Oklahoma Liquefied Petroleum Gas Regulation Act. Every

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

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

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

3. 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~~ the absence or disability of the Administrator, 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 Section 2, Chapter 330, O.S.L. 1994 (52 O.S. Supp. 1998, Section 420.3A), is amended to read as follows:

Section 420.3A 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~~ the Oklahoma Liquefied Petroleum Gas Regulation Act 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~~ section 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~~ June 8, 1994.

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

Section 420.6 A. The State Liquefied Petroleum Gas Administrator is authorized to suspend or revoke any registration permit issued by the Oklahoma Liquefied Petroleum Gas Board or impose an administrative penalty, 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~~ the Oklahoma Liquefied Petroleum Gas Regulation Act, ~~or the~~ any rules or specifications promulgated ~~thereunder~~ or any order issued thereto, or has delivered a lesser

quantity of gas than the registrant bills the customer for with intent to defraud.

B. 1. Upon the motion of the Administrator, or upon the receipt of written complaint from any member of the Board, 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~~ the Oklahoma Liquefied Petroleum Gas Regulation Act, or the safety rules, regulations and/or specifications promulgated thereunder or any order issued thereto, the Administrator is authorized and it shall be ~~his or her~~ the duty of the Administrator to hold ~~a public~~ an administrative hearing pursuant to Article II of the Administrative Procedures Act to consider such complaint.

2. 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.~~

3. 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.

C. If the Administrator finds at ~~a~~ the hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of ~~this act~~ the Oklahoma Liquefied Petroleum Gas Regulation Act or such rules ~~or,~~ specifications or any order issued thereto, 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~~ an administrative penalty of not more than Five Hundred Dollars (\$500.00) for each separate offense. Any ~~fine~~ administrative penalty imposed pursuant to this section shall be deposited with the State Treasurer for credit to the General Revenue Fund.

D. 1. 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.

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

3. Any registrant who has been assessed an administrative penalty or whose registration permit has been suspended or revoked

upon review by the Board may, within thirty (30) days after such filing, 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 pursuant to Article II of the Administrative Procedures Act. Upon filing of such

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

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

E. F. The Board shall ~~adopt~~ promulgate 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 pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act.

SECTION 5. AMENDATORY 52 O.S. 1991, Section 420.9, as amended by Section 6, Chapter 330, O.S.L. 1994 (52 O.S. Supp. 1998, 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 section, and the rules promulgated thereunder.~~

D. 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 shall not be required to obtain or possess an intrastate motor carrier or private carrier license issued by the Oklahoma Corporation Commission.

E. 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~~ the Oklahoma Liquefied Petroleum Gas Regulation Act, but shall be subject to all of the other requirements of ~~this act~~ the Oklahoma Liquefied

Petroleum Gas Regulation Act and any safety rule or specification promulgated thereunder.

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

~~F.~~ G. 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.~~ H. 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~~ including but not limited to truck cabs, dwellings, and barns, ~~etc.~~, and shall maintain visual contact with the liquid level gauge at all times.

SECTION 6. AMENDATORY 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), is amended to read as follows:

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

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

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

Alternative Fuels Equipment Technician Examination	\$50.00
Alternative Fuels Compression Technician Examination	\$50.00
Electric Vehicle Technician Examination	\$50.00
Alternative Fuels Equipment Technician Certificate	\$50.00
Alternative Fuels Compression Technician Certificate	\$50.00
Electric Vehicle Technician Certificate	\$50.00
Certificate renewal, if made within thirty (30) days after expiration:	
Alternative Fuels Equipment Technician Certificate	\$50.00

Alternative Fuels Compression Technician Certificate	\$50.00
Electric Vehicle Technician Certificate	\$50.00
Penalty for Late Certification Renewal:	
Alternative Fuels Equipment Technician Certificate	\$10.00
Alternative Fuels Compression Technician Certificate	\$10.00
Electric Vehicle Technician Certificate	\$10.00
Certificate fee if certified after March 1 of each year:	
Alternative Fuels Equipment Technician Certificate	\$25.00
Alternative Fuels Compression Technician Certificate	\$25.00
Electric Vehicle Technician Certificate	\$25.00
Certificate fee if certified after June 1 of each year:	
Alternative Fuels Equipment Technician Certificate	\$12.50
Alternative Fuels Compression Technician Certificate	\$12.50
Electric Vehicle Technician Certificate	\$12.50
Company, Partnership or Corporation Certificate	\$100.00
Annual Renewal for Company, Partnership or Corporation Certificate	\$100.00
Training Program Certification (one-time fee)	\$500.00
Alternative Fuels Installation Certification Per Location	\$1,000.00
Annual Renewal of Alternative Fuels Installation Certification Per Location	\$1,000.00

SECTION 7. AMENDATORY Section 3, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1998, Section 230.23), is amended to read as follows:

Section 230.23 As used in the Motor Carrier Act of 1995:

1. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

2. "Commission" means the Oklahoma Corporation Commission;

3. "License" means the license issued under authority of the laws of the State of Oklahoma to motor carriers and private carriers;

4. "Interstate Registration Certificate" (IRC) means a document issued by the Commission granting permission to operate upon the

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

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

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

- a. cabs and bus companies engaged in the transportation of passengers and their baggage, not operated between two or more cities and towns, when duly licensed by a municipal corporation in which they might be doing business, ~~and shall not apply to~~
- b. any person or governmental authority furnishing transportation for school children to and from public schools or to and from public-school-related extracurricular activities under contract with, and sponsored by, a public school board; provided, that motor vehicles and equipment operated for the purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules of the State Board of Education adopted pursuant thereto. ~~Provided, this exemption shall apply only to such vehicles while they are being used for such transportation. Provided further, the 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. "Intercorporate 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 the livestock and farm products in the raw state, upon the sale thereof;

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

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

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

SECTION 9. 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 House of Representatives the 27th day of May, 1999.

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Speaker of the House of  
Representatives

Passed the Senate the 27th day of May, 1999.

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President of the Senate