

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1407

By: Rozell of the Senate

and

Fields of the House

COMMITTEE SUBSTITUTE

An Act relating to liquefied petroleum gas; amending 52 O.S. 2001, Sections 420.2, 420.4, 420.6, 420.7, 420.17, 420.21, 420.27 and 420.28, which relate to the Oklahoma Liquefied Petroleum Gas Regulation Act and the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act; changing title of liquefied petroleum gas inspector; allowing certain permit to be transferable; deleting certain class of permit; defining term; requiring certain entities to maintain records for certain time period; authorizing the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission to audit and inspect certain records and investigate certain offices, premises or places of business for enforcement purposes; authorizing certain representatives to be present during inspections; requiring Commission to allow reasonable notice prior to inspections; 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. 2001, Section 420.2, is amended to read as follows:

Section 420.2 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. The appointment shall be subject to confirmation by the Senate. The Administrator shall:

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

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

3. Serve at the pleasure of the Governor.

B. The Administrator, subject to approval of 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. 1. Persons appointed to the positions of Administrator, chief deputy administrator, deputy administrator or ~~liquefied petroleum gas inspector~~ safety code enforcement officer shall:

- a. be citizens of the United States,
- b. be legal residents of this state,
- c. be physically, mentally and morally capable of performing the duties imposed upon them pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act,
- d. not have been convicted of a felony, and
- 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 the Oklahoma Liquefied Petroleum Gas Regulation Act.

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

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

D. In the event of a vacancy in the office of Administrator, or in the event of 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 2. AMENDATORY 52 O.S. 2001, 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, 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 No~~ permit other than the Class I Dealer Permit shall be ~~nontransferable~~ transferable. 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 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 annual fees.

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 - 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~~ LPG Motor Fuel Station Operator - Seventy Dollars (\$70.00).

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

~~9.~~ 8. Class VII - Cylinder Exchange Program Permit - Thirty-five Dollars (\$35.00).

~~10.~~ 9. Class VIII - Appliance Dealer Permit - Thirty-five Dollars (\$35.00).

~~11.~~ 10. Class IX - LPG Container Sales Permit - Thirty-five Dollars (\$35.00).

~~12.~~ 11. Class IX-A - Manufactured Homes and Recreation Sales Permit - Thirty-five Dollars (\$35.00).

~~13.~~ 12. 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 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 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.

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 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.

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. The Board 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 420.1 through 420.15 of this title, shall file with the Administrator a certificate indicating that public liability and property damage insurance coverage 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 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 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 3. AMENDATORY 52 O.S. 2001, 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 the Oklahoma Liquefied Petroleum Gas Regulation Act, any rules or specifications promulgated 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~~ safety code enforcement officer, that a registrant has violated or is violating or has failed or is failing to comply with any of the provisions of the Oklahoma Liquefied Petroleum Gas Regulation Act, the rules, or specifications promulgated or any order issued thereto, the Administrator is authorized and it shall be the duty of the Administrator to hold 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.

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 the hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of the Oklahoma Liquefied Petroleum Gas Regulation Act or such rules, 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 an administrative penalty of not more than Five Hundred Dollars (\$500.00) for each separate offense. Any 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 Board.

2. Any registrant who has been assessed an administrative penalty or whose registration permit is suspended or revoked by the Administrator may, 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, pursuant to Article II of the Administrative Procedures Act.

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.

F. The Board shall 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 pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act.

SECTION 4. AMENDATORY 52 O.S. 2001, 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~~ safety code enforcement officer such inspection is necessary to effectuate the purposes of this act. The Administrator ~~or~~ and any deputy or ~~inspector~~ safety code enforcement officer 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, 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~~ LPG 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 or the Administrator issues a registration permit as herein provided shall have ~~the same in his~~ immediate possession of the permit at all times when engaged in that phase of the ~~LP-gas~~ LPG 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~~
safety code enforcement officer.

D. The Administrator and the chief deputy administrator, and such deputies and ~~inspectors~~ safety code enforcement officers 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~~ safety code enforcement officer are 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.~~ In the event the district attorney fails or refuses to draw or endorse any complaint submitted to ~~him~~ the district attorney and the complainant, whether it be the Administrator, the chief deputy administrator or any deputy administrator or ~~inspector~~ safety code enforcement officer, 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~~ safety code enforcement officer 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 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. 2001, 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~~ safety code enforcement officers. 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 on the effective date of this act.

SECTION 6. AMENDATORY 52 O.S. 2001, Section 420.21, is amended to read as follows:

Section 420.21 As used in the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act:

1. "Commission" means the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission;

2. "Cargo container" means any receptacle mounted on a transport vehicle, including a bobtail or semitrailer designed and used for the transportation or storage of liquefied petroleum gas, but shall not include the motor fuel tank of the vehicle;

3. "First sale" means the first transaction within the State of Oklahoma in which ownership of odorized liquefied petroleum gas transfers from seller to purchaser;

4. "Importer" means the owner of odorized liquefied petroleum gas (LP gas) at the time of entry into this state from another state or from outside the United States;

5. "Liquefied petroleum gas (LP gas)" means any material that is composed predominantly of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, normal butane, isobutane or butylenes;

~~5.~~ 6. "Loading rack" means any material handling facility where LP gas is loaded into cargo containers, including, but not limited to, gas processing plants, refineries, underground and aboveground bulk storage facilities, pipeline terminals and unattended LP gas dispensing facilities;

~~6.~~ 7. "Loading rack operator" means the owner or any person or entity controlling the day-to-day operations of the facility. When this person or entity is not the person or entity invoicing the first sale of odorized LP gas dispensed into a cargo container at a loading rack, the person or entity invoicing the first sale of odorized LP gas dispensed into a cargo container at a loading rack shall be considered the loading rack operator;

~~7.~~ 8. "Person" means any individual, group of individuals, or any partnership, corporation, association, cooperative, or employee thereof, or any other entity; and

~~8.~~ 9. "Time of import" means the time of entry into the State of Oklahoma from another state or from outside the United States.

SECTION 7. AMENDATORY 52 O.S. 2001, Section 420.27, is amended to read as follows:

Section 420.27 A. To fund the activities of the Commission an assessment shall be imposed on the first sale of odorized LP gas or at the time of import of odorized LP gas into the State of Oklahoma. Each operator of a loading rack on delivery into any cargo container shall collect from the person who purchases the odorized LP gas an assessment in an amount of one-half cent (\$0.005) per gallon. Each owner of odorized LP gas, at the time of import into this state, shall be responsible for the payment of the one-half cent (\$0.005) per gallon assessment on the volume of LP gas at the time of import.

B. The assessment shall be computed on the net amount of odorized LP gas delivered into a cargo container.

C. Loading rack operators and importers shall maintain sufficient records regarding their LP gas operations to enable the Commission to determine whether the loading rack operators and importers have remitted all fees due under the provisions of subsection A of this section. Loading rack operators and importers shall make such records available to the Commission for inspection and shall maintain such records for the minimum period of time that business records are required to be maintained by the Internal Revenue Service.

D. Upon a determination by a majority vote of the Commission that just cause exists, a representative of the Commission may, at reasonable times, enter an office, premises or place of business of a loading rack operator or importer to inspect, examine and obtain copies of the LP gas operation records maintained pursuant to subsection C of this section, for the purpose of conducting an audit or investigation or enforcing or administering this act. The loading rack operator or importer or their representative is entitled to be present when the Commission representative enters to

make inspections and examinations on the premises of the loading rack operator or importer.

E. The Commission shall serve notice to the Oklahoma Liquefied Petroleum Gas Administrator regarding any importer who fails to remit the assessment as required under the provisions of this section. Upon notice and hearing, the Oklahoma Liquefied Petroleum Gas Board may suspend or revoke any registration permit issued to the loading rack operator or importer by the Oklahoma Liquefied Petroleum Gas Board until all assessments and penalties are paid in full.

SECTION 8. AMENDATORY 52 O.S. 2001, Section 420.28, is amended to read as follows:

Section 420.28 A. Each operator of a loading rack or owner of LP gas at the time of import shall, on or before the 25th day of the month following the end of each calendar month, file a report with the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission and remit the amount of assessments required to be collected or paid during the preceding month to the Commission, which shall be deposited in the LP Gas Research, Marketing and Safety Revolving Fund.

B. Loading rack operators or owners of LP gas at the time of import filing a report or remitting fees later than the 25th day of the month in which fees are due, but within thirty (30) days of the deadline, shall remit a penalty in the amount of five percent (5%) of the amount of fees originally due and payable.

C. Loading rack operators or owners of LP gas at the time of import filing a report or remitting fees more than thirty (30) days after the deadline shall remit a penalty in the amount of ten percent (10%) of the fees originally due and payable.

D. An additional penalty of seventy-five percent (75%) of the amount of the fees and penalties due and payable will be added to penalties set forth in subsections B and C of this section if the

failure to file a report or to remit the fees collected is determined by the Commission to be a result of fraud or an intent to evade the provisions of this act or the rules of the Commission.

E. The Commission shall be responsible for taking appropriate legal actions to collect any assessment which is not paid or is not properly paid. At the request of the Commission, the Attorney General is authorized to take any necessary action to collect any fees or penalties due under the provisions of this act.

SECTION 9. This act shall become effective July 1, 2002.

SECTION 10. 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.

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