

An Act

ENROLLED HOUSE
BILL NO. 1157

By: Cornwell of the House

and

Green of the Senate

An Act relating to liquefied petroleum gas; authorizing certain investigations; requiring notifications of certain accidents or fires; requiring notification be sent within certain time frame; amending 52 O.S. 2021, Section 420.2, which relates to the State Liquefied Petroleum Gas Administrator; removing certain appointed position; amending 52 O.S. 2021, Section 420.3, which relates to the Oklahoma Liquefied Petroleum Gas Board; modifying statutory references; modifying types of meetings that can be designated; requiring meetings adhere to the Oklahoma Open Meeting Act; authorizing the lease, purchase, maintenance, and use of vehicles; authorizing the promulgation of rules; amending 52 O.S. 2021, Section 420.4, as amended by Section 1, Chapter 330, O.S.L. 2022 (52 O.S. Supp. 2024, Section 420.4), which relates to registration permits; modifying statutory references; modifying list of permit classes; amending 52 O.S. 2021, Section 420.5, as amended by Section 2, Chapter 330, O.S.L. 2022 (52 O.S. Supp. 2024, Section 420.5), which relates to fees for refillable cylinders; requiring fees be used for certain purpose; modifying list of entities required to pay fee; removing language regarding refunds of credit fees; authorizing the Board to promulgate certain administrative rules; requiring flat fee for certain containers; defining term; authorizing Administrator to adopt certain system; authorizing assessment of certain penalty; amending 52 O.S. 2021, Section 420.7, which relates to inspections; modifying reference to certain appointed position; requiring certain law enforcement certification for certain positions; amending 52 O.S. 2021, Section 420.9, as amended by Section 3, Chapter 330, O.S.L. 2022 (52

O.S. Supp. 2024, Section 420.9), which relates to specifications for commercial propane, butane, and mixtures; removing certain requirements for filling, using, and identifying containers; requiring certain identifying marks on containers; requiring certain authorizations; and providing an effective date.

SUBJECT: Liquefied petroleum gas

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 420.18 of Title 52, unless there is created a duplication in numbering, reads as follows:

The Liquefied Petroleum Gas Board shall have the right to conduct thorough investigations of liquefied petroleum gas accidents or fires in this state. In case of an accident or fire at any location where there is a liquefied petroleum gas system or equipment, or in the case of any accident or fire where a liquefied petroleum gas system or equipment is or may be involved, the Oklahoma State Fire Marshal, the sheriff of the county, and the chief of the fire department or the mayor if no fire department exists, shall notify the State Liquefied Petroleum Gas Administrator of said accident or fire immediately at the time they become aware of same. In no event shall this notification be forwarded later than one (1) business day after knowledge of the accident or fire is obtained, in order to enable an investigation to be made by the State Liquefied Petroleum Gas Administration before the site has been disturbed.

SECTION 2. AMENDATORY 52 O.S. 2021, 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 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 in this state or any other state as established by a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes, 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 managerial responsibility or two (2) years' experience as a liquefied petroleum gas safety code enforcement officer,

- 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 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, and/or the ability to enforce the rules and regulations.

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 3. AMENDATORY 52 O.S. 2021, 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 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 or her by the persons, firms or corporations required to be registered pursuant to the provisions of ~~Sections~~ Section 420.1 ~~through 420.15 et seq.~~ 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 or her appointment he or she has been a legal resident of the State of Oklahoma for at least five (5) years 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 LPG 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) year to five (5) years, the Governor to designate same, and the initial terms of office of the members at large on the Board shall be for one (1) year 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 the 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~~ chair and one member as ~~vice-chairman~~ vice-chairperson. 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 the Board shall constitute a quorum for all purposes. The ~~chairman~~ chair or ~~vice-chairman~~ vice-chairperson may, upon approval of a majority of the members present and voting at any meeting, designate the time, place and date of ~~any scheduled~~ a special meeting, and the ~~chairman~~ chair or ~~vice-chairman~~ vice-chairperson shall have the power to call ~~an unscheduled~~ a special meeting of the Board ~~upon not less than five (5) days' notice in writing to each member thereof as provided in the Oklahoma Open Meeting Act pursuant to Section 301 et seq. of Title 25 of the Oklahoma Statutes.~~

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 Board 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 the Oklahoma Liquefied Petroleum Gas Regulation Act, as it shall deem just and reasonable, and to revoke, amend or supersede such supplementary rules.

F. The Administrator shall administer and enforce all rules formulated and adopted by the Board and administer and enforce the safety rules prescribed, adopted or promulgated by the Board under and by virtue of the provisions of the Oklahoma Liquefied Petroleum Gas Regulation Act, and incur all necessary expenditures in effectuating the purposes of this subsection. The Administrator shall serve as secretary to the Board, and shall be subject to confirmation by the Senate.

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

H. At any hearing held under this section, not less than a quorum of the 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 ~~the~~ Board shall deem just and reasonable, and a certificate reciting such adoption and the effective date thereof shall be signed by the members comprising the majority of the Board.

I. The Administration may lease, purchase, and maintain motor vehicles for use by the employees of the Administration. The Administrator may prescribe rules on the use of Administration-owned vehicles as deemed necessary for employees of the Administration to perform their duties.

SECTION 4. AMENDATORY 52 O.S. 2021, Section 420.4, as amended by Section 1, Chapter 330, O.S.L. 2022 (52 O.S. Supp. 2024, 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, gas 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 or her 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 the 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 the 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 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 LPG industry in this state to which such permit applies. No permit other than the Class I Dealer Permit shall be transferable. The Board is authorized to establish a fee for the transfer of a Class I Permit. 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. The Board is authorized to establish an annual permit fee for the issuance of each class of permit listed in subsection C of this section.

2. All such registration permits shall expire annually with no permit extending longer than one (1) calendar year. The expiration dates shall 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 the annual fees.

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

4. 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~~ Section 420.1 ~~through 420.15~~ et seq. of this title, at the time of issuance of each permit, shall pay to the Administrator the initial permit fee, if applicable, and any annual fee that is applicable to the following permit classes:

1. Class I - Dealer Permit;
2. Class II - Truck Transporter Permit;

3. Class III - DOT Cylinder Transporter Permit;
4. Class IV - Installer Permit;
5. Class IV-D - Driver/Installer Permit;
6. Class V - Miscellaneous Permits;
7. Class VI - DOT Cylinder and/or LPG Motor Fuel Station;
- ~~7.~~ 8. Class VI-A - LPG Dispensing Permit;
- ~~8.~~ 9. Class VII - Cylinder Exchange Program Permit;
- ~~9.~~ 10. Class VIII - Unodorized LPG Permit;
- ~~10.~~ 11. Class IX - LPG Container Sales Permit;
- ~~11.~~ 12. Class IX-A - Manufactured Homes and Recreation Sales Permit; and
- ~~12.~~ 13. Class X - Manager's Permit.

D. 1. Each person, firm or corporation holding a permit authorizing the use of an LPG bulk delivery truck or trailer shall owe at the time of inspection an annual inspection fee in an amount as established by the Board for each delivery truck or trailer belonging to the 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 in an amount as established by the Board for each such truck or trailer belonging to the person, firm or corporation being used to dispense or transport LPG in the state.

2. The inspection fee shall increase to an amount established by the Board per vehicle if the 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 in an amount as established by the Board 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 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 the hearing. The notice shall include the name, address, permit class and business location of each applicant whose application is to be considered at the hearing. The applicant, or the individual who is or shall be directly responsible for and actively supervising the operations of the applicant, may be present at the hearing. 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, the fact shall be entered upon the Board's records.

3. The Board shall charge a fee, in an amount established by the Board, for testing materials and the expense of holding the

examinations provided for in this section. The 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 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 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 the 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, or in administrative rules promulgated by the Board, no registration permit shall be issued until the certificate is filed with the Administrator. No insurance coverage shall be canceled or terminated without thirty (30) ~~days~~ 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 the person, firm or corporation, to waive the insurance coverage required by this section. The Board, in lieu of the 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. The 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 the waiver and require the person, firm or corporation to file certificates required by this section within thirty (30) days after written notice is sent by the Board to the person, firm or corporation.

SECTION 5. AMENDATORY 52 O.S. 2021, Section 420.5, as amended by Section 2, Chapter 330, O.S.L. 2022 (52 O.S. Supp. 2024, Section 420.5), is amended to read as follows:

Section 420.5. A. The Board is authorized to establish a fee, to be paid to the Administrator, upon the sale, purchase, rental and/or use in this state of liquefied petroleum gas refillable cylinders and all other liquefied petroleum gas containers. The fee shall be used to offset the cost of LP-Gas Administration inspections, including, but not limited to, inspections of whether cylinders were constructed in accordance with United States Department of Transportation specifications, and inspections of cylinder exchange stations, more generally.

B. Each manufacturer of LP-Gas containers in Oklahoma, each vendor of containers manufactured outside of the state, and each person, firm or corporation placing any LPG container or cylinder in use in this state, including, but not limited to, LPG dealers or distributors who ship containers from any point outside of Oklahoma to a point within Oklahoma, shall pay the applicable fee. For vendors of containers manufactured outside of this state, the fee or fees shall apply and become due upon delivery to the vendors, or for their account within the state of containers or cylinders purchased outside of the state. In no event shall the fees herein levied be paid or become payable on any container or cylinder sold, rented, purchased or placed in use in this state prior to the effective date

~~of this act, or more than once on any container or cylinder, or upon any container or cylinder resold, rerented, repurchased or reused in this state. The Administrator is authorized to refund or credit fees upon containers sold outside of the state upon which the fees have previously been paid, or any fees which have erroneously been paid, upon written application supported by affidavit setting forth the basis for such refund. The Administrator is authorized to adopt a system of identification of containers on which the fees herein levied have been paid. The Board shall promulgate administrative rules establishing cylinder and container fees and otherwise implementing this section.~~

C. For containers that are placed in cylinder exchange cabinets for sale or rental, the cylinder and container fee shall be a flat fee that is levied on an annual basis for each separate Class VII permit location. For the purposes of this act, a cylinder exchange cabinet is a lockable and ventilated metal locker or rack for the storage of LPG cylinders that prevents tampering with valves and pilferage into the cylinders. The Administrator is authorized to adopt a system that identifies the cylinders and containers on which the fees herein levied have been paid. Such a system may include identification tags that are affixed to individual cylinders and tanks or cylinder exchange cabinets.

D. No person, firm or corporation shall use or install in this state any container or cylinder upon which the applicable fee levied above applies and has not been paid. In case of failure to pay any invoice issued by the Board or Administration within the specified time, there shall be assessed a penalty of twenty-five percent (25%), which shall be added to the applicable fee thirty-five (35) calendar days of the issuance thereof, there shall be assessed a penalty of twenty-five percent (25%), which shall be added to the applicable fee. The twenty-five-percent penalty shall be in addition to any other penalty provided by law, including, but not limited to, the administrative penalty established pursuant to Section 420.6 of this title.

SECTION 6. AMENDATORY 52 O.S. 2021, 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

administrator, or any safety code enforcement officer such inspection is necessary to effectuate the purposes of this act. The Administrator ~~and~~, any deputy administrator, or 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 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 immediate possession of the permit at all times when engaged in that phase of the 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 safety code enforcement officer.

D. The Administrator ~~and~~, the ~~chief~~ deputy administrator, ~~and such deputies~~ and such 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. The Administrator, any deputy administrator, or safety code enforcement officers shall be Council on Law Enforcement Education and Training (CLEET) certified before the Administrator may appoint, by appropriate written commission, such a person to 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 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. In the event the district attorney fails or refuses to draw or endorse any complaint submitted to the district attorney and the complainant, whether it be the Administrator, the ~~chief deputy administrator or any~~ deputy administrator or 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 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 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. 2021, Section 420.9, as amended by Section 3, Chapter 330, O.S.L. 2022 (52 O.S. Supp. 2024, 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 GPA Midstream Association, meet applicable specifications adopted as tentative standards by the 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. The Department of Public Safety of the State of Oklahoma shall cooperate with the Administrator in the enforcement of the provisions of this 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. 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~~ All registered permit holders under the Oklahoma Liquefied Petroleum Gas Regulation Act, set forth at Section 420.4 of this title, shall conspicuously mark any containers it owns so that the owner of any given container can be easily identified. Containers owned by one permit holder shall only be filled or used by another permit holder upon authorization of the permit holder owning the container. In all instances, a consumer's authorization to fill a container shall be required before filling it.

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

SECTION 8. This act shall become effective November 1, 2025.

Passed the House of Representatives the 17th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 29th day of April, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____