

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1072

By: Gann of the House
and
Dahm of the Senate

7 An Act relating to sunset; amending 52 O.S. 2011,
8 Section 288.3, as last amended by Section 1, Chapter
9 295, O.S.L. 2017 (52 O.S. Supp. 2020, Section 288.3),
10 which relates to the Oklahoma Energy Resources Board;
11 re-creating the Board; and modifying termination
12 date.

12 AUTHOR: Remove as principal Senate author Dahm and substitute as
13 principal Senate author Quinn. Retain Dahm as Senate
14 coauthor

14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
15 entire bill and insert

16 "An Act relating to the Oklahoma Liquefied Petroleum
17 Gas Regulation Act; amending 52 O.S. 2021, Sections
18 420.4, 420.5, 420.9, and 420.15, which relate to
19 registration permit, fees on sale, reports, and
20 penalties, and safety schools for liquefied petroleum
21 dealers; providing for additional permit classes to
22 be assessed annual fee; modifying public hearing
23 dates; directing promulgation of rules; clarifying
24 language; providing for in person or virtual
instruction for safety school; and providing an
effective date.

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

1 SECTION 1. AMENDATORY 52 O.S. 2021, Section 420.4, is
2 amended to read as follows:

3 Section 420.4. A. No person, firm or corporation shall
4 manufacture, fabricate, assemble or install in this state any
5 system, container, apparatus or appliance used or to be used in this
6 state in or for the transportation, storage, dispensing or
7 utilization of LPG, nor shall any transporter, distributor or
8 retailer of LPG store, dispense or transport over the highways of
9 this state any LPG intended for use in this state in any such
10 system, container, apparatus or appliance, without having first
11 applied for and obtained a registration permit to do so. A permit
12 shall not be required by any person, firm or corporation engaged in
13 the production or manufacture of LPG, or selling or reselling LPG to
14 transporters, gas processors, distributors or retailers, nor by any
15 person, firm or corporation selling or delivering motor vehicles or
16 tractors which are factory equipped with an LPG system, container,
17 apparatus or appliance for the utilization of LPG as motor fuel.
18 The provisions of this section shall not prevent an individual from
19 installing in his or her own single-unit residence any system,
20 container, apparatus or appliance which uses or will utilize LPG,
21 provided that such individual has secured an inspection of the
22 installation by the Administrator or someone designated by the
23 Administrator or by a person duly licensed to make such an
24 installation prior to the use of the system, container, apparatus or

1 appliance. Applications for registration permits shall be in
2 writing, on a form provided by the Board, and shall contain such
3 pertinent information as is required by the Board. Upon approval of
4 each application and receipt of the certificates of insurance or
5 securities required by the provisions of this section, the
6 Administrator shall issue to the applicant a permit to engage in the
7 phase of the LPG industry in this state to which such permit
8 applies. No permit other than the Class I Dealer Permit shall be
9 transferable. The Board is authorized to establish a fee for the
10 transfer of a Class I Permit. Nothing in Sections 420.1 through
11 420.15 of this title shall be construed to regulate the
12 manufacturing, fabrication, assembling, selling or installing of any
13 system, container, apparatus or appliance having a fuel container
14 with a maximum individual water capacity of less than two and one-
15 half (2 1/2) pounds.

16 B. 1. The Board is authorized to establish an annual permit
17 fee for the issuance of each class of permit listed in subsection C
18 of this section.

19 2. All such registration permits shall expire annually with no
20 permit extending longer than one (1) calendar year. The expiration
21 dates shall be set by the Board in the rules. The Administrator may
22 issue a semiannual permit to applicants engaging in the business
23 within six (6) months or less of the annual renewal date. A
24 semiannual permit shall expire on the following annual expiration

1 date. The fee for a semiannual permit shall be one-half (1/2) that
2 of the fee of the annual permit. All registration permits required
3 pursuant to the provisions of this section shall be renewed upon
4 payment of the annual fees on or before the expiration of the
5 registration permit, and upon fulfilling all insurance requirements.
6 The Board is authorized to establish necessary penalty provisions
7 required to ensure prompt payment of the annual fees.

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

10 4. The Board is authorized to establish an initial permit fee
11 for the issuance of Class I and Class II permits to any person, firm
12 or corporation for the first time.

13 C. Persons, firms and corporations required to be registered
14 pursuant to the provisions of Sections 420.1 through 420.15 of this
15 title, at the time of issuance of each permit, shall pay to the
16 Administrator the initial permit fee, if applicable, and any annual
17 fee that is applicable to the following permit classes:

- 18 1. Class I - Dealer Permit;
- 19 2. Class II - Truck Transporter Permit;
- 20 3. Class III - DOT Cylinder Transporter Permit;
- 21 4. Class IV - Installer Permit;
- 22 5. Class IV-D - Driver/Installer Permit;
- 23 6. Class VI - DOT Cylinder and/or LPG Motor Fuel Station;
- 24 7. Class VI-A - LPG Dispensing Permit;

1 8. Class VII - Cylinder Exchange Program Permit;

2 9. Class VIII - Unodorized LPG Permit;

3 10. Class IX - LPG Container Sales Permit;

4 ~~10.~~ 11. Class IX-A - Manufactured Homes and Recreation Sales
5 Permit; and

6 ~~11.~~ 12. Class X - Manager's Permit.

7 D. 1. Each person, firm or corporation holding a permit
8 authorizing the use of an LPG bulk delivery truck or trailer shall
9 ~~pay~~ owe at the time of inspection an annual inspection fee in an
10 amount as established by the Board for each delivery truck or
11 trailer belonging to the person, firm or corporation. Each person,
12 firm or corporation who does not hold a permit issued by the Board
13 authorizing the use of an LPG bulk delivery truck or trailer in the
14 state shall pay an annual inspection fee in an amount as established
15 by the Board for each such truck or trailer belonging to person,
16 firm or corporation being used to dispense or transport LPG in the
17 state.

18 2. The inspection fee shall increase to an amount established
19 by the Board per vehicle if the inspection is not completed within
20 sixty (60) days of the expiration date, or at a later date at the
21 discretion of the Administrator.

22 E. Any LPG bulk delivery truck or trailer failing to be
23 approved at its annual inspection shall be assessed a fee in an
24

1 amount as established by the Board at the time that it is
2 reinspected.

3 F. The fees provided for in this section shall be applicable to
4 residents and nonresidents of Oklahoma.

5 G. The Board is authorized to approve or disapprove
6 applications for registration permits to distributors and retailers
7 of LPG and managers of LPG establishments. The Administrator is
8 authorized to approve or disapprove all other applications for
9 registration permits that may be issued pursuant to the provisions
10 of this section.

11 1. No application shall be approved by the Administrator unless
12 the Administrator is satisfied that the applicant by written
13 examination has shown a working knowledge of the safety requirements
14 provided by the rules of the Board.

15 2. No application shall be approved by the Board unless the
16 Board is satisfied by adequate written examination of the applicant,
17 or the individual who is or shall be directly responsible for
18 actively supervising the operations of such applicant which is a
19 partnership, firm or corporation, that the applicant or such
20 individual has a working knowledge of the safety requirements
21 provided by the rules of the Board. The Board shall cause to be
22 held public hearings ~~on the second Monday~~ in the months of January,
23 April, July and October of each year on all applications for new
24 registration permits required by the provisions of this section, or

1 upon such other occasions as the Board may deem necessary. Notice
2 of each hearing shall be mailed to each such applicant and shall be
3 posted in a conspicuous place in the Office of the Administrator in
4 Oklahoma City, Oklahoma, at least thirty (30) days prior to the date
5 of the hearing. The notice shall include the name, address, permit
6 class and business location of each applicant whose application is
7 to be considered at the hearing. The applicant, or the individual
8 who is or shall be directly responsible for and actively supervising
9 the operations of the applicant, may be present at the hearing. If,
10 after the public hearing, an applicant is found by the Board to have
11 a working knowledge of the safety requirements provided by the rules
12 and regulations of the Board, the Board shall cause an order to that
13 effect to be entered upon its records and the application shall be
14 approved. In the event an applicant fails to qualify, the fact
15 shall be entered upon the Board's records.

16 3. The Board shall charge a fee, in an amount established by
17 the Board, for testing materials and the expense of holding the
18 examinations provided for in this section. The fee shall be paid
19 upon filing an application for any permit.

20 H. A registration permit shall not be issued to any applicant
21 unless the Administrator has received certificates of insurance or
22 security as required by this section.

23 I. Except as otherwise provided for in this section, all
24 persons, firms or corporations engaged in the business of

1 manufacturing, fabricating, assembling or installing any LPG system,
2 container, apparatus or appliance in this state, and required to be
3 registered pursuant to the provisions of Sections 420.1 through
4 420.15 of this title, shall file with the Administrator a
5 certificate indicating liability insurance coverage for the
6 manufacturer and contractor. The Board is authorized to establish
7 coverage amounts for each class of permit, provided coverage shall
8 be for an amount of not less than Twenty-five Thousand Dollars
9 (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily
10 injury and limits of not less than Twenty-five Thousand Dollars
11 (\$25,000.00) for property damage, and shall be in full force and
12 effect, covering the plant, equipment and motor vehicles used in
13 such business, and the operations of the business.

14 J. Except as otherwise provided for in this section, all
15 transporters, distributors, or retailers of LPG in this state,
16 required to be registered pursuant to Sections 420.1 through 420.15
17 of this title, shall file with the Administrator a certificate
18 indicating that public liability and property damage insurance
19 coverage has been issued. The Board is authorized to establish
20 coverage amounts for each class of permit, provided coverage shall
21 be for an amount of not less than Twenty-five Thousand Dollars
22 (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily
23 injury and limits of not less than Twenty-five Thousand Dollars
24 (\$25,000.00) for property damage has been issued, and is in full

1 force and effect, covering the plant, equipment, and motor vehicles
2 used in such business, and the operations of the business.

3 K. Insurance pursuant to the provisions of this section shall
4 be maintained in full force and effect during the operation of the
5 business for which the coverage was issued. Except as otherwise
6 provided for in this section, or in administrative rules promulgated
7 by the Board, no registration permit shall be issued until the
8 certificate is filed with the Administrator. No insurance coverage
9 shall be canceled or terminated without thirty (30) days prior
10 written notice of cancellation or termination to the Administrator.

11 L. The Board is authorized, upon proof of or a satisfactory
12 showing that any person, firm or corporation is financially able to
13 pay or satisfy any judgment, claim or demand against the person,
14 firm or corporation, to waive the insurance coverage required by
15 this section. The Board, in lieu of the certificate, may require
16 the deposit, with the Administrator, of securities, or satisfactory
17 indemnity bond, in an amount and of a kind designated by the Board,
18 to secure the liability of such person, firm or corporation to pay
19 any judgment, claim or demand. The security shall not be in excess
20 of the limits set forth in this section. If the Board deems the
21 financial status of such person, firm or corporation to be impaired
22 so as to reduce the ability of such person, firm or corporation to
23 make payment or to satisfy any judgment, claim or demand, the Board
24 may revoke the waiver and require the person, firm or corporation to

1 file certificates required by this section within thirty (30) days
2 after written notice is sent by the Board to the person, firm or
3 corporation.

4 SECTION 2. AMENDATORY 52 O.S. 2021, Section 420.5, is
5 amended to read as follows:

6 Section 420.5. A. The Board is authorized to establish a fee,
7 to be paid to the Administrator, upon the sale, purchase, rental
8 and/or use in this state of liquefied petroleum gas refillable
9 cylinders and all other liquefied petroleum gas containers.

10 B. Each manufacturer of LP-Gas containers in Oklahoma, each
11 vendor of containers manufactured ~~without~~ outside of the state, and
12 each person, firm or corporation placing any LPG container or
13 cylinder in use in this state shall pay the applicable fee. For
14 vendors of containers manufactured ~~without~~ outside of this state,
15 the fee or fees shall apply and become due upon delivery to the
16 vendors, or for their account, ~~within the state,~~ of containers or
17 cylinders purchased ~~without~~ outside of the state. In no event shall
18 the fees herein levied be paid or become payable on any container or
19 cylinder sold, rented, purchased or placed in use in this state
20 prior to the effective date of this act, or more than once on any
21 container or cylinder, or upon any container or cylinder resold,
22 rerented, repurchased or reused in this state. The Administrator is
23 authorized to refund or credit fees upon containers sold ~~without~~
24 outside of the state upon which the fees have previously been paid,

1 or any fees which have erroneously been paid, upon written
2 application supported by affidavit setting forth the basis for such
3 refund. The Administrator is authorized to adopt a system of
4 identification of containers on which the fees herein levied have
5 been paid.

6 C. No person, firm or corporation shall use or install in this
7 state any container or cylinder upon which the applicable fee levied
8 above applies and has not been paid. In case of failure to pay
9 within the specified time, there shall be assessed a penalty of
10 twenty-five percent (25%), which shall be added to the applicable
11 fee.

12 SECTION 3. AMENDATORY 52 O.S. 2021, Section 420.9, is
13 amended to read as follows:

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

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

23
24

1 C. The Department of Public Safety of the State of Oklahoma
2 shall cooperate with the Administrator in the enforcement of the
3 provisions of this section, and the rules promulgated thereunder.

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

10 E. Containers shall be filled or used only upon authorization
11 of the fee simple owner. The name of the fee simple owner, if other
12 than the consumer, shall be conspicuously shown on the container.

13 F. At least one attendant shall remain close to the transfer
14 connection from the time the connections are first made until they
15 are finally disconnected, during the transfer of the product.
16 During the actual transfer of liquids into containers at domestic
17 type dwellings and installations, the attendant shall not enter into
18 any type of enclosure including but not limited to truck cabs,
19 dwellings and barns and shall maintain visual contact with the
20 liquid level gauge at all times.

21 SECTION 4. AMENDATORY 52 O.S. 2021, Section 420.15, is
22 amended to read as follows:

23 Section 420.15. The LP-Gas Board shall provide for the holding
24 of safety schools for the benefit of the liquefied petroleum gas

1 dealers and employees in the State of Oklahoma, at such times and in
2 such places as may be deemed advisable ~~and~~. The Board may, by
3 lawfully adopted rules, require attendance and successful completion
4 of courses, by in-person or virtual instruction, held as a condition
5 precedent to retaining permits issued hereunder. Such courses shall
6 be in the format as established by the Board in its sole discretion.
7 The Administrator shall perform such duties in connection with those
8 schools as the Board might direct.

9 SECTION 5. This act shall become effective November 1, 2022.”

10
11
12 Passed the Senate the 28th day of April, 2022.

13
14 _____
15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2022.

18
19 _____
20 Presiding Officer of the House
21 of Representatives
22
23
24

1 ENGROSSED HOUSE
2 BILL NO. 1072

By: Gann of the House

3 and

4 Dahm of the Senate

5
6
7
8 An Act relating to sunset; amending 52 O.S. 2011,
9 Section 288.3, as last amended by Section 1, Chapter
10 295, O.S.L. 2017 (52 O.S. Supp. 2020, Section 288.3),
11 which relates to the Oklahoma Energy Resources Board;
12 re-creating the Board; and modifying termination
13 date.

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

15 SECTION 6. AMENDATORY 52 O.S. 2011, Section 288.3, as
16 last amended by Section 1, Chapter 295, O.S.L. 2017 (52 O.S. Supp.
17 2020, Section 288.3), is amended to read as follows:

18 Section 288.3 There is hereby re-created until July 1, ~~2021~~
19 2024, the Oklahoma Energy Resources Board which shall be subject to
20 the provisions of the Oklahoma Sunset Law. The purpose of the Board
21 is to coordinate a program designed to demonstrate to the general
22 public the importance of the Oklahoma oil and natural gas
23 exploration and production industry, to encourage the wise and
24 efficient use of energy, to promote environmentally sound production
methods and technologies, to develop existing supplies of Oklahoma's

1 oil and natural gas resources, to support research and educational
2 activities concerning the oil and natural gas exploration and
3 production industry and to cause remediation of historical oilfield
4 environmental problems.

5 Passed the House of Representatives the 3rd day of March, 2021.

6
7
8 Presiding Officer of the House
of Representatives

9 Passed the Senate the ___ day of _____, 2021.

10
11
12 Presiding Officer of the Senate