

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1520

6 By: Quinn

7 COMMITTEE SUBSTITUTE

8 An Act relating to liquefied petroleum gas; amending  
9 52 O.S. 2011, Sections 420.2, 420.3 420.4, as amended  
10 by Section 1, Chapter 95, O.S.L. 2015 (52 O.S. Supp.  
11 2017, Section 420.4), 420.6 and 420.9, which relate  
12 to State Liquefied Petroleum Gas Administrator,  
13 Oklahoma Liquefied Petroleum Gas Board, registration  
14 permits and fees, suspension of registration permits  
15 and specifications for commercial propane, butane and  
16 mixtures; modifying job requirements for liquefied  
17 petroleum gas Administrator; modifying duties of  
18 Administrator; modifying certain permit; increasing  
19 amount of administrative penalty; modifying  
20 application of Oklahoma Liquefied Petroleum Gas  
21 Regulation Act to transport trucks; removing  
22 requirement that bulk deliveries of liquefied  
23 petroleum gas be metered by certain rules; updating  
24 statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 52 O.S. 2011, 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

1 Board, hereinafter created. The appointment shall be subject to  
2 confirmation by the Senate. The Administrator shall:

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

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

7 3. Serve at the pleasure of the Governor.

8 B. The Administrator, subject to approval of the Board, shall  
9 appoint and fix the duties and compensation of employees necessary  
10 to perform the duties imposed upon the Oklahoma Liquefied Petroleum  
11 Gas Board by law.

12 C. 1. Persons appointed to the positions of Administrator,  
13 chief deputy administrator, deputy administrator or safety code  
14 enforcement officer shall:

15 a. be citizens of the United States,

16 b. be legal residents of this state,

17 c. be physically, mentally and morally capable of  
18 performing the duties imposed upon them pursuant to  
19 the Oklahoma Liquefied Petroleum Gas Regulation Act,

20 d. not have been convicted of a felony in this state or  
21 any other state as established by a national criminal  
22 history record check as defined in Section 150.9 of  
23 Title 74 of the Oklahoma Statutes, and  
24

1 e. after the date of their appointment, not be engaged in  
2 any business in this state related to the production,  
3 manufacture, distribution, sale, installation or  
4 transportation of any of the products or equipment  
5 covered by the Oklahoma Liquefied Petroleum Gas  
6 Regulation Act.

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

11 a. the Administrator shall include at least two (2)  
12 years' experience in positions of ~~responsibility in or~~  
13 ~~connected with the liquefied petroleum gas industry~~  
14 managerial responsibility or two (2) years' experience  
15 as a liquefied petroleum gas safety code enforcement  
16 officer,

17 b. the chief deputy administrator and deputy  
18 administrators shall include at least one and one-half  
19 (1 1/2) years of such experience, and

20 c. the safety code enforcement officers shall include at  
21 least two (2) years' experience in actual physical  
22 installation or inspection of liquefied petroleum gas  
23 systems, containers, apparatus or appliances, or  
24

1                   installations thereof, and/or the ability to enforce  
2                   the rules and regulations.

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

5           D. In the event of a vacancy in the office of Administrator, or  
6 in the event of the absence or disability of the Administrator, the  
7 chief deputy administrator is hereby empowered and authorized to  
8 perform the duties of the Administrator during the time of such  
9 vacancy, absence or disability.

10          SECTION 2.        AMENDATORY        52 O.S. 2011, Section 420.3, is  
11 amended to read as follows:

12          Section 420.3. A. There is hereby re-created the Oklahoma  
13 Liquefied Petroleum Gas Board, hereinafter sometimes referred to as  
14 "LP-Gas Board" or "Board". The Board shall be composed of seven (7)  
15 members, one each from the southeastern, northeastern, northwestern  
16 and southwestern quarters of the state, one from central Oklahoma,  
17 and two from the state at large. Each ~~such~~ appointment shall be  
18 made by the Governor, from a list of three or more nominees who have  
19 certified in writing their willingness to serve, to be submitted to  
20 him by the persons, firms or corporations required to be registered  
21 pursuant to the provisions of Sections 420.1 through 420.15 of this  
22 title, or by their representatives, and shall be subject to  
23 confirmation by the Senate.

1 B. No person shall be appointed as a member of the Board unless  
2 at the time of his or her appointment he or she has been a legal  
3 resident of the State of Oklahoma for at least five (5) years ~~next~~  
4 preceding the date of his or her appointment and, except for the two  
5 members at large, shall have actively engaged in the retail  
6 distribution of liquefied petroleum gas in Oklahoma for a period of  
7 one (1) year, or more. One of the members at large shall be engaged  
8 in and representative of the container and appliance phases of the  
9 LPG business in Oklahoma, and the other shall have a general  
10 familiarity with the regulatory problems of the industry and the  
11 consuming public. Provided, however, that the appointment of such  
12 public member shall not be subject to the aforementioned list which  
13 is required to be submitted to the Governor. Members shall be  
14 eligible for reappointment for successive terms, and shall be  
15 removable for cause by the Governor. A member shall automatically  
16 be disqualified to hold such office in event he or she ceases to be  
17 a legal resident of the State of Oklahoma or ceases to be actively  
18 engaged in the ~~liquefied petroleum gas~~ LPG business in Oklahoma.

19 C. Re-creation shall not alter existing membership or terms of  
20 office. Members shall serve until their successors in office are  
21 duly appointed and qualified. Initial appointments of those members  
22 of the Board from the designated geographical areas of the state  
23 shall be for terms ranging from one (1) to five (5) years, the  
24 Governor to designate same, and the initial terms of office of the

1 members at large on ~~said~~ the Board shall be for one (1) and two (2)  
2 years, respectively, as designated by the Governor. Thereafter, the  
3 terms of all members shall be for four (4) years. In the event of  
4 the death, resignation, disqualification or incapacity of one or  
5 more members of ~~said~~ the Board, a recess appointment for the  
6 unexpired term of each such member may be made by the Governor as  
7 hereinabove provided. Members of the Board shall be entitled to be  
8 reimbursed for necessary travel expenses as provided in the State  
9 Travel Reimbursement Act.

10 D. The Board shall organize by electing one of its members as  
11 chairman and one member as vice-chairman. The Board shall hold  
12 regular meetings. The date, time and place of any regular meeting  
13 shall be as designated by vote of the majority of the membership.  
14 Four members of ~~said~~ the Board shall constitute a quorum for all  
15 purposes. The chairman or vice-chairman may, upon approval of a  
16 majority of the members present and voting at any meeting, designate  
17 the time, place and date of any scheduled special meeting, and the  
18 chairman or vice-chairman shall have the power to call an  
19 unscheduled special meeting of the Board upon not less than five (5)  
20 days' notice in writing to each member thereof.

21 E. The standards for the storage and handling of liquefied  
22 petroleum gases adopted by the National Fire Protection Association  
23 and published in Pamphlet No. 58 including current and subsequent  
24 editions and any subsequent changes and/or additions to the

1 pamphlet, and the standards for the installation of gas appliances  
2 and gas piping adopted by the National Fire Protection Association  
3 and published in Pamphlet No. 54 including the current and any  
4 subsequent editions and any subsequent changes and/or additions to  
5 the pamphlet shall be the accepted standards for this state. The  
6 ~~said~~ Board is hereby empowered and authorized, and it shall be its  
7 duty to prescribe, adopt and promulgate, in the manner set forth in  
8 Section 420.1 et seq. of this title, rules relating to safety in the  
9 storage, distribution, dispensing, transporting and utilization of  
10 LPG in this state and in the manufacture, fabrication, assembly,  
11 sale, installation or use in this state of LPG systems, containers,  
12 apparatus or appliances, and reasonable rules governing the issuance  
13 of such permits and operations thereunder, and not inconsistent with  
14 ~~this act~~ the Oklahoma Liquefied Petroleum Gas Regulation Act, as it  
15 shall deem just and reasonable, and to revoke, amend or supersede  
16 such supplementary rules.

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

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

16 H. At any hearing held under this section, not less than a  
17 quorum of ~~said~~ the Board shall be present and shall preside;  
18 provided, however, that by unanimous vote and resolution, the Board  
19 may authorize the Administrator to preside at any or all such  
20 hearings, and in such event no Board member need be present. After  
21 any such hearing the Board may, by majority vote, adopt any proposed  
22 new, revised or amended rules with such amendments and modifications  
23 thereof as the ~~said~~ the Board shall deem just and reasonable, and a  
24 certificate reciting such adoption and the effective date thereof



1 shall be signed by the members comprising ~~said~~ the majority of ~~said~~  
2 the Board. ~~The Administrator shall thereafter, within ten (10)~~  
3 ~~days, cause such rules so adopted to be mailed to each Class I and~~  
4 ~~Class II permit holder under this act.~~

5 SECTION 3. AMENDATORY 52 O.S. 2011, Section 420.4, as  
6 amended by Section 1, Chapter 95, O.S.L. 2015 (52 O.S. Supp. 2017,  
7 Section 420.4), is amended to read as follows:

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

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

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

24

1        2. All such registration permits shall expire annually with no  
2 permit extending longer than one (1) calendar year. The expiration  
3 dates shall be set by the Board in the rules. The Administrator may  
4 issue a semiannual permit to applicants engaging in the business  
5 within six (6) months or less of the annual renewal date. A  
6 semiannual permit shall expire on the following annual expiration  
7 date. The fee for a semiannual permit shall be one-half (1/2) that  
8 of the fee of the annual permit. All registration permits required  
9 pursuant to the provisions of this section shall be renewed upon  
10 payment of the annual fees on or before the expiration of the  
11 registration permit, and upon fulfilling all insurance requirements.  
12 The Board is authorized to establish necessary penalty provisions  
13 required to ensure prompt payment of ~~said~~ the annual fees.

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

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

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

24        1. Class I - Dealer Permit;

- 1        2. Class II - Truck Transporter Permit;
- 2        3. Class III - DOT Cylinder Transporter Permit;
- 3        4. Class IV - Installer Permit;
- 4        5. Class IV-D - Driver/Installer Permit;
- 5        6. Class VI - DOT Cylinder and/or LPG Motor Fuel Station
- 6 Operator;
- 7        7. Class VI-A - LPG Dispensing Permit;
- 8        8. Class VII - Cylinder Exchange Program Permit;
- 9        9. Class IX - LPG Container Sales Permit;
- 10       10. Class IX-A - Manufactured Homes and Recreation Sales
- 11 Permit; and
- 12       11. Class X - Manager's Permit.

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

24

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

5           E. Any LPG bulk delivery truck or trailer failing to be  
6 approved at its annual inspection shall be assessed a fee in an  
7 amount as established by the Board at the time that it is  
8 reinspected.

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

11           G. The Board is authorized to approve or disapprove  
12 applications for registration permits to distributors and retailers  
13 of LPG and managers of LPG establishments. The Administrator is  
14 authorized to approve or disapprove all other applications for  
15 registration permits that may be issued pursuant to the provisions  
16 of this section.

17           1. No application shall be approved by the Administrator unless  
18 the Administrator is satisfied that the applicant by written  
19 examination has shown a working knowledge of the safety requirements  
20 provided by the rules of the Board.

21           2. No application shall be approved by the Board unless the  
22 Board is satisfied by adequate written examination of the applicant,  
23 or the individual who is or shall be directly responsible for  
24 actively supervising the operations of such applicant which is a

1 partnership, firm, or corporation, that the applicant or such  
2 individual has a working knowledge of the safety requirements  
3 provided by the rules of the Board. The Board shall cause to be  
4 held public hearings on the second Monday in the months of January,  
5 April, July, and October of each year on all applications for new  
6 registration permits required by the provisions of this section, or  
7 upon such other occasions as the Board may deem necessary. Notice  
8 of each hearing shall be mailed to each such applicant and shall be  
9 posted in a conspicuous place in the Office of the Administrator in  
10 Oklahoma City, Oklahoma, at least thirty (30) days prior to the date  
11 of ~~such~~ the hearing. ~~Said~~ The notice shall include the name,  
12 address, permit class, and business location of each applicant whose  
13 application is to be considered at the hearing. ~~Such~~ The applicant,  
14 or the individual who is or shall be directly responsible for and  
15 actively supervising the operations of ~~such~~ the applicant, may be  
16 present at ~~such~~ the hearing. If, after the public hearing, an  
17 applicant is found by the Board to have a working knowledge of the  
18 safety requirements provided by the rules and regulations of the  
19 Board, the Board shall cause an order to that effect to be entered  
20 upon its records and the application shall be approved. In the  
21 event an applicant fails to qualify, ~~said~~ the fact shall be entered  
22 upon the Board's records.

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

1 examinations provided for in this section. ~~Said~~ The fee shall be  
2 paid upon filing an application for any permit.

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

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

21 J. Except as otherwise provided for in this section, all  
22 transporters, distributors, or retailers of LPG in this state,  
23 required to be registered pursuant to Sections 420.1 through 420.15  
24 of this title, shall file with the Administrator a certificate

1 indicating that public liability and property damage insurance  
2 coverage has been issued. The Board is authorized to establish  
3 coverage amounts for each class of permit, provided coverage shall  
4 be for an amount of not less than Twenty-five Thousand Dollars  
5 (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily  
6 injury and limits of not less than Twenty-five Thousand Dollars  
7 (\$25,000.00) for property damage has been issued, and is in full  
8 force and effect, covering the plant, equipment, and motor vehicles  
9 used in such business, and the operations of ~~said~~ the business.

10 K. Insurance pursuant to the provisions of this section shall  
11 be maintained in full force and effect during the operation of the  
12 business for which the coverage was issued. Except as otherwise  
13 provided for in this section, no registration permit shall be issued  
14 until ~~said~~ the certificate is filed with the Administrator. No  
15 insurance coverage shall be canceled or terminated without thirty  
16 (30) days prior written notice of cancellation or termination to the  
17 Administrator.

18 L. The Board is authorized, upon proof of or a satisfactory  
19 showing that any person, firm, or corporation is financially able to  
20 pay or satisfy any judgment, claim, or demand against ~~such~~ the  
21 person, firm, or corporation, to waive the insurance coverage  
22 required by this section. The Board, in lieu of ~~said~~ the  
23 certificate, may require the deposit, with the Administrator, of  
24 securities, or satisfactory indemnity bond, in an amount and of a



1 kind designated by the Board, to secure the liability of such  
2 person, firm~~7~~ or corporation to pay any judgment, claim~~7~~ or demand.  
3 ~~Such~~ The security shall not be in excess of the limits set forth in  
4 this section. If the Board deems the financial status of such  
5 person, firm~~7~~ or corporation to be impaired so as to reduce the  
6 ability of such person, firm~~7~~ or corporation to make payment or to  
7 satisfy any judgment, claim~~7~~ or demand, the Board may revoke ~~such~~  
8 the waiver and require ~~such~~ the person, firm~~7~~ or corporation to file  
9 certificates required by this section within thirty (30) days after  
10 written notice is sent by the Board to ~~such~~ the person, firm~~7~~ or  
11 corporation.

12 SECTION 4. AMENDATORY 52 O.S. 2011, Section 420.6, is  
13 amended to read as follows:

14 Section 420.6. A. The State Liquefied Petroleum Gas  
15 Administrator is authorized to suspend or revoke any registration  
16 permit issued by the Oklahoma Liquefied Petroleum Gas Board or  
17 impose an administrative penalty, if it is found at a hearing on the  
18 matter, that the registrant has violated or is violating or has  
19 failed or is failing to comply with any provisions of the Oklahoma  
20 Liquefied Petroleum Gas Regulation Act, any rules or specifications  
21 promulgated or any order issued thereto, or has delivered a lesser  
22 quantity of gas than the registrant bills the customer for with  
23 intent to defraud.

24

1           B. 1. Upon the motion of the Administrator, or upon the  
2 receipt of written complaint from any member of the Board, or from  
3 any deputy administrator or safety code enforcement officer, that a  
4 registrant has violated or is violating or has failed or is failing  
5 to comply with any of the provisions of the Oklahoma Liquefied  
6 Petroleum Gas Regulation Act, the rules, or specifications  
7 promulgated or any order issued thereto, the Administrator is  
8 authorized and it shall be the duty of the Administrator to hold an  
9 administrative hearing pursuant to Article II of the Administrative  
10 Procedures Act to consider such complaint.

11           2. The Administrator shall have the power to conduct  
12 investigations; to summon and compel the attendance at such hearing  
13 of witnesses; to require the production of any records or documents  
14 pertinent to the subject matter of any investigation or hearing; and  
15 to provide for the taking of depositions of witnesses.

16           3. Notice of the date, time and place of any such hearing shall  
17 be given by registered mail not less than ten (10) days, exclusive  
18 of the date of mailing, before the date thereof, addressed to the  
19 registrant complained against and to any other parties involved,  
20 each of whom shall have the right to file answer, to appear and be  
21 heard in person and by counsel, and to present evidence at such  
22 hearing.

23           C. If the Administrator finds at the hearing that the  
24 registrant has violated or is violating or has failed or is failing

1 to comply with any provision of the Oklahoma Liquefied Petroleum Gas  
2 Regulation Act or such rules, specifications or any order issued  
3 thereto, the Administrator, if the findings justify such action,  
4 shall issue an order suspending the registrant's registration permit  
5 for a period not to exceed ninety (90) days, revoking the  
6 registration permit, or imposing an administrative penalty of not  
7 more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars  
8 (\$1,000.00) for each separate offense. Any administrative penalty  
9 imposed pursuant to this section shall be deposited into the  
10 Liquefied Petroleum Gas Fund, created pursuant to Section 420.11 of  
11 this title.

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

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

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

1 upon review by the Board may, within thirty (30) days after such  
2 filing, suspension or revocation, file an appeal with the district  
3 court of Oklahoma County or in the county wherein the registrant  
4 resides or has its principal place of business in this state,  
5 pursuant to Article II of the Administrative Procedures Act.

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

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

14 F. The Board shall promulgate reasonable rules governing the  
15 sale or transfer of business, facilities or a permit connected with  
16 or to be used in operations subject to regulation pursuant to the  
17 Oklahoma Liquefied Petroleum Gas Regulation Act.

18 SECTION 5. AMENDATORY 52 O.S. 2011, Section 420.9, is  
19 amended to read as follows:

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

1 specifications adopted as tentative standards by ~~said~~ the  
2 Association for the particular product sold.

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

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

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

15 ~~E. Transport trucks transporting liquefied petroleum gases out~~  
16 ~~of the state, but not required to bear Oklahoma license, shall not~~  
17 ~~be subject to the permit fees prescribed by the Oklahoma Liquefied~~  
18 ~~Petroleum Gas Regulation Act, but shall be subject to all of the~~  
19 ~~other requirements of the Oklahoma Liquefied Petroleum Gas~~  
20 ~~Regulation Act and any safety rule or specification promulgated~~  
21 ~~thereunder.~~

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

24

1       ~~G.~~ Containers shall be filled or used only upon authorization  
2 of the fee simple owner. The name of the fee simple owner, if other  
3 than the consumer, shall be conspicuously shown on the container.

4       ~~H.~~ F. At least one attendant shall remain close to the transfer  
5 connection from the time the connections are first made until they  
6 are finally disconnected, during the transfer of the product.  
7 During the actual transfer of liquids into containers at domestic  
8 type dwellings and installations, the attendant shall not enter into  
9 any type of enclosure including but not limited to truck cabs,  
10 dwellings, and barns and shall maintain visual contact with the  
11 liquid level gauge at all times.

12       SECTION 6. This act shall become effective November 1, 2018.

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