

1 ENGROSSED SENATE
2 BILL NO. 1520

By: Quinn of the Senate

and

Jordan of the House

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6 An Act relating to liquefied petroleum gas; amending
7 52 O.S. 2011, Sections 420.2, 420.3 420.4, as amended
8 by Section 1, Chapter 95, O.S.L. 2015 (52 O.S. Supp.
9 2017, Section 420.4), 420.6 and 420.9, which relate
10 to State Liquefied Petroleum Gas Administrator,
11 Oklahoma Liquefied Petroleum Gas Board, registration
12 permits and fees, suspension of registration permits
13 and specifications for commercial propane, butane and
14 mixtures; modifying job requirements for liquefied
15 petroleum gas Administrator; modifying duties of
16 Administrator; modifying certain permit; increasing
17 amount of administrative penalty; modifying
18 application of Oklahoma Liquefied Petroleum Gas
19 Regulation Act to transport trucks; removing
20 requirement that bulk deliveries of liquefied
21 petroleum gas be metered by certain rules; updating
22 statutory language; and providing an effective date.

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

24 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
Board, hereinafter created. The appointment shall be subject to
confirmation by the Senate. The Administrator shall:

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

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

5 3. Serve at the pleasure of the Governor.

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

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

13 a. be citizens of the United States,

14 b. be legal residents of this state,

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

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

22 e. after the date of their appointment, not be engaged in
23 any business in this state related to the production,
24 manufacture, distribution, sale, installation or

1 transportation of any of the products or equipment
2 covered by the Oklahoma Liquefied Petroleum Gas
3 Regulation Act.

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

- 8 a. the Administrator shall include at least two (2)
9 years' experience in positions of ~~responsibility in or~~
10 ~~connected with the liquefied petroleum gas industry~~
11 managerial responsibility or two (2) years' experience
12 as a liquefied petroleum gas safety code enforcement
13 officer,
- 14 b. the chief deputy administrator and deputy
15 administrators shall include at least one and one-half
16 (1 1/2) years of such experience, and
- 17 c. the safety code enforcement officers shall include at
18 least two (2) years' experience in actual physical
19 installation or inspection of liquefied petroleum gas
20 systems, containers, apparatus or appliances, or
21 installations thereof, and/or the ability to enforce
22 the rules and regulations.

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

1 D. In the event of a vacancy in the office of Administrator, or
2 in the event of the absence or disability of the Administrator, the
3 chief deputy administrator is hereby empowered and authorized to
4 perform the duties of the Administrator during the time of such
5 vacancy, absence or disability.

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

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

20 B. No person shall be appointed as a member of the Board unless
21 at the time of his or her appointment he or she has been a legal
22 resident of the State of Oklahoma for at least five (5) years ~~next~~
23 preceding the date of his or her appointment and, except for the two
24 members at large, shall have actively engaged in the retail

1 distribution of liquefied petroleum gas in Oklahoma for a period of
2 one (1) year, or more. One of the members at large shall be engaged
3 in and representative of the container and appliance phases of the
4 LPG business in Oklahoma, and the other shall have a general
5 familiarity with the regulatory problems of the industry and the
6 consuming public. Provided, however, that the appointment of such
7 public member shall not be subject to the aforementioned list which
8 is required to be submitted to the Governor. Members shall be
9 eligible for reappointment for successive terms, and shall be
10 removable for cause by the Governor. A member shall automatically
11 be disqualified to hold such office in event he or she ceases to be
12 a legal resident of the State of Oklahoma or ceases to be actively
13 engaged in the ~~liquefied petroleum gas~~ LPG business in Oklahoma.

14 C. Re-creation shall not alter existing membership or terms of
15 office. Members shall serve until their successors in office are
16 duly appointed and qualified. Initial appointments of those members
17 of the Board from the designated geographical areas of the state
18 shall be for terms ranging from one (1) to five (5) years, the
19 Governor to designate same, and the initial terms of office of the
20 members at large on ~~said~~ the Board shall be for one (1) and two (2)
21 years, respectively, as designated by the Governor. Thereafter, the
22 terms of all members shall be for four (4) years. In the event of
23 the death, resignation, disqualification or incapacity of one or
24 more members of ~~said~~ the Board, a recess appointment for the

1 unexpired term of each such member may be made by the Governor as
2 hereinabove provided. Members of the Board shall be entitled to be
3 reimbursed for necessary travel expenses as provided in the State
4 Travel Reimbursement Act.

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

16 E. The standards for the storage and handling of liquefied
17 petroleum gases adopted by the National Fire Protection Association
18 and published in Pamphlet No. 58 including current and subsequent
19 editions and any subsequent changes and/or additions to the
20 pamphlet, and the standards for the installation of gas appliances
21 and gas piping adopted by the National Fire Protection Association
22 and published in Pamphlet No. 54 including the current and any
23 subsequent editions and any subsequent changes and/or additions to
24 the pamphlet shall be the accepted standards for this state. The

1 ~~said~~ Board is hereby empowered and authorized, and it shall be its
2 duty to prescribe, adopt and promulgate, in the manner set forth in
3 Section 420.1 et seq. of this title, rules relating to safety in the
4 storage, distribution, dispensing, transporting and utilization of
5 LPG in this state and in the manufacture, fabrication, assembly,
6 sale, installation or use in this state of LPG systems, containers,
7 apparatus or appliances, and reasonable rules governing the issuance
8 of such permits and operations thereunder, and not inconsistent with
9 ~~this act~~ the Oklahoma Liquefied Petroleum Gas Regulation Act, as it
10 shall deem just and reasonable, and to revoke, amend or supersede
11 such supplementary rules.

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

20 G. Before any rules are revised, amended, adopted or
21 promulgated hereunder, the Administrator, acting on behalf of ~~said~~
22 the Board, shall give ten (10) days' notice to all Class I and Class
23 II permit holders under the ~~act~~ Oklahoma Liquefied Petroleum Gas
24 Regulation Act, by mailing to the permit holders a written notice,

1 signed by the Administrator, on behalf of the Board, containing
2 either a statement of the terms or substance of the intended action,
3 a description of the subjects and issues involved, or an accurate
4 copy of the new, revised or amended rules which the Board proposes
5 to adopt and promulgate, stating the date, time and place of a
6 public hearing at which oral or written objections to such proposals
7 shall be heard and considered. Notice shall also be given as
8 required by the Administrative Procedures Act. Nothing in this
9 subsection shall prevent the furnishing of such other or additional
10 notice as the Board shall direct.

11 H. At any hearing held under this section, not less than a
12 quorum of ~~said~~ the Board shall be present and shall preside;
13 provided, however, that by unanimous vote and resolution, the Board
14 may authorize the Administrator to preside at any or all such
15 hearings, and in such event no Board member need be present. After
16 any such hearing the Board may, by majority vote, adopt any proposed
17 new, revised or amended rules with such amendments and modifications
18 thereof as the ~~said~~ the Board shall deem just and reasonable, and a
19 certificate reciting such adoption and the effective date thereof
20 shall be signed by the members comprising ~~said~~ the majority of ~~said~~
21 the Board. ~~The Administrator shall thereafter, within ten (10)~~
22 ~~days, cause such rules so adopted to be mailed to each Class I and~~
23 ~~Class II permit holder under this act.~~

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

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

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

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

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

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

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

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

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

- 19 1. Class I - Dealer Permit;
- 20 2. Class II - Truck Transporter Permit;
- 21 3. Class III - DOT Cylinder Transporter Permit;
- 22 4. Class IV - Installer Permit;
- 23 5. Class IV-D - Driver/Installer Permit;

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1 6. Class VI - DOT Cylinder and/or LPG Motor Fuel Station

2 Operator;

3 7. Class VI-A - LPG Dispensing Permit;

4 8. Class VII - Cylinder Exchange Program Permit;

5 9. Class IX - LPG Container Sales Permit;

6 10. Class IX-A - Manufactured Homes and Recreation Sales

7 Permit; and

8 11. Class X - Manager's Permit.

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

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

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

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

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

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

17 2. No application shall be approved by the Board unless the
18 Board is satisfied by adequate written examination of the applicant,
19 or the individual who is or shall be directly responsible for
20 actively supervising the operations of such applicant which is a
21 partnership, firm, or corporation, that the applicant or such
22 individual has a working knowledge of the safety requirements
23 provided by the rules of the Board. The Board shall cause to be
24 held public hearings on the second Monday in the months of January,

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

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

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

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

19 J. Except as otherwise provided for in this section, all
20 transporters, distributors, or retailers of LPG in this state,
21 required to be registered pursuant to Sections 420.1 through 420.15
22 of this title, shall file with the Administrator a certificate
23 indicating that public liability and property damage insurance
24 coverage has been issued. The Board is authorized to establish

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

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

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

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

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

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

22 B. 1. Upon the motion of the Administrator, or upon the
23 receipt of written complaint from any member of the Board, or from
24 any deputy administrator or safety code enforcement officer, that a

1 registrant has violated or is violating or has failed or is failing
2 to comply with any of the provisions of the Oklahoma Liquefied
3 Petroleum Gas Regulation Act, the rules, or specifications
4 promulgated or any order issued thereto, the Administrator is
5 authorized and it shall be the duty of the Administrator to hold an
6 administrative hearing pursuant to Article II of the Administrative
7 Procedures Act to consider such complaint.

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

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

20 C. If the Administrator finds at the hearing that the
21 registrant has violated or is violating or has failed or is failing
22 to comply with any provision of the Oklahoma Liquefied Petroleum Gas
23 Regulation Act or such rules, specifications or any order issued
24 thereto, the Administrator, if the findings justify such action,

1 shall issue an order suspending the registrant's registration permit
2 for a period not to exceed ninety (90) days, revoking the
3 registration permit, or imposing an administrative penalty of not
4 more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
5 (\$1,000.00) for each separate offense. Any administrative penalty
6 imposed pursuant to this section shall be deposited into the
7 Liquefied Petroleum Gas Fund, created pursuant to Section 420.11 of
8 this title.

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

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

20 3. Any registrant who has been assessed an administrative
21 penalty or whose registration permit has been suspended or revoked
22 upon review by the Board may, within thirty (30) days after such
23 filing, suspension or revocation, file an appeal with the district
24 court of Oklahoma County or in the county wherein the registrant

1 resides or has its principal place of business in this state,
2 pursuant to Article II of the Administrative Procedures Act.

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

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

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

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

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

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

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

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

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

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

22 G. Containers shall be filled or used only upon authorization
23 of the fee simple owner. The name of the fee simple owner, if other
24 than the consumer, shall be conspicuously shown on the container.

