

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1520

By: Quinn of the Senate

and

Jordan of the House

8
9
10 COMMITTEE SUBSTITUTE

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

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:

1 Section 420.2 A. There is hereby created a State Liquefied
2 Petroleum Gas Administrator, to be appointed by the Governor from a
3 list of nominees submitted by the Oklahoma Liquefied Petroleum Gas
4 Board, hereinafter created. The appointment shall be subject to
5 confirmation by the Senate. The Administrator shall:

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

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

10 3. Serve at the pleasure of the Governor.

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

15 C. 1. Persons appointed to the positions of Administrator,
16 chief deputy administrator, deputy administrator or safety code
17 enforcement officer shall:

18 a. be citizens of the United States,

19 b. be legal residents of this state,

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

23 d. not have been convicted of a felony in this state or
24 any other state as established by a national criminal

1 history record check as defined in Section 150.9 of
2 Title 74 of the Oklahoma Statutes, and

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

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

- 13 a. the Administrator shall include at least two (2)
14 years' experience in positions of ~~responsibility in or~~
15 ~~connected with the liquefied petroleum gas industry~~
16 managerial responsibility or two (2) years' experience
17 as a liquefied petroleum gas safety code enforcement
18 officer,
- 19 b. the chief deputy administrator and deputy
20 administrators shall include at least one and one-half
21 (1 1/2) years of such experience, and
- 22 c. the safety code enforcement officers shall include at
23 least two (2) years' experience in actual physical
24 installation or inspection of liquefied petroleum gas

1 systems, containers, apparatus or appliances, or
2 installations thereof, and/or the ability to enforce
3 the rules and regulations.

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

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

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

13 Section 420.3 A. There is hereby re-created the Oklahoma
14 Liquefied Petroleum Gas Board, hereinafter sometimes referred to as
15 "LP-Gas Board" or "Board". The Board shall be composed of seven (7)
16 members, one each from the southeastern, northeastern, northwestern
17 and southwestern quarters of the state, one from central Oklahoma,
18 and two from the state at large. Each ~~such~~ appointment shall be
19 made by the Governor, from a list of three or more nominees who have
20 certified in writing their willingness to serve, to be submitted to
21 him by the persons, firms or corporations required to be registered
22 pursuant to the provisions of Sections 420.1 through 420.15 of this
23 title, or by their representatives, and shall be subject to
24 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~~7~~ 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~~7~~ or corporation. Each person,
18 firm~~7~~ 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~~7~~ 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. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16

17 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
18 dated 04/16/2018 - DO PASS, As Amended.

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