

LIQUIFIED PETROLEUM GAS AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill amends Title 53, Chapter 7, Utah Fire Prevention and Safety Act, by modifying licensing and certification requirements for users of liquified petroleum gas.

Highlighted Provisions:

This bill:

- ▶ defines the term "final consumer;"
- ▶ exempts a vendor of liquified petroleum gas from license or certification

requirements when:

- the liquified petroleum gas is sold to a final consumer; or
- the liquified petroleum gas is stored, transferred, or used by a final consumer;

and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-302, as last amended by Laws of Utah 1994, Chapter 120

53-7-308, as renumbered and amended by Laws of Utah 1993, Chapter 234



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-7-302** is amended to read:

53-7-302. Definitions.

As used in this part:

(1) "Board" means the Liquefied Petroleum Gas Board created in Section 53-7-304.

(2) "Container" means any vessel, including cylinders, tanks, portable tanks, and cargo tanks used for transporting or storing liquefied petroleum gases, except containers subject to regulation and inspection by the Department of Transportation and under federal laws or regulations.

(3) "Distributor" means any person engaged in the distribution of liquefied petroleum gas, either wholesale or retail, including a commercial carrier, as identified by the Department of Transportation or the Interstate Commerce Commission, who transports or hauls liquefied petroleum gas that is to be distributed or sold within this state.

(4) "Enforcing authority" means the division, the municipal or county fire department, another fire-prevention agency acting within its jurisdiction, or the building official of any city or county and his authorized representatives.

(5) "Gas appliance" means any device that uses liquefied petroleum gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.

(6) "Installer" means any person who has satisfactorily passed an examination under the supervision of the board, testing his knowledge and ability to install or properly repair domestic systems, industrial systems, liquefied petroleum gas carburetion systems, bulk plant systems, standby plant systems, or other similar systems, and who holds an installer's certificate under this part.

(7) "Licensee" means a person licensed by the board to engage in the liquefied petroleum gas business.

(8) "Liquefied petroleum gas" means any material having a vapor pressure not exceeding that allowed for commercial propane and composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane, normal butane, or isobutane, and butylene, including isomers.

(9) "Liquefied petroleum gas carburetion system" means any carburetion system using

59 liquefied petroleum gas as a fuel in a motor vehicle.

60 (10) "Liquefied petroleum gas fueling system" means an assembly consisting of
61 compressors, containers, piping, and other delivery devices for the purpose of dispensing
62 liquefied petroleum gas for use as a fuel in a motor vehicle.

63 (11) "LPG" means liquefied petroleum gas.

64 (12) "Person" means any individual, firm, partnership, joint venture, association,
65 corporation, estate, trust, or any other group or combination acting as a unit, and includes:

66 (a) a husband, wife, or both where joint benefits are derived from the operation of a
67 business or activity subject to this part; and

68 (b) any state, county, municipality, or other agency engaged in a business or activity
69 subject to this part.

70 (13) "Red tag" means a card or device, red in color, containing printed notice of the
71 condemnation of a liquefied petroleum gas system as a result of a violation of this part, or any
72 rules or orders made by the board; the tag, when attached to the system, is official notice of
73 condemnation and of the prohibition of further use, so long as the red tag remains lawfully
74 affixed.

75 (14) "System" means an assembly consisting of one or more containers with a means
76 for conveying LPG from the container or containers to dispensing or consuming devices, either
77 continuously or intermittently, and that incorporates components intended to achieve control of
78 quantity, flow, and pressure or state, either liquid or vapor.

79 (15) "Final consumer" means an individual or business who is the ultimate user of
80 LPG.

81 Section 2. Section **53-7-308** is amended to read:

82 **53-7-308. Licenses and certificates.**

83 A person may not engage in any of the following activities related to LPG unless ~~he~~
84 the person has obtained an authorizing license or certification from the board:

85 (1) container activities~~[-]~~, including the manufacture, assembly, repair, sale,
86 installation, or subframing of containers for use in this state, except that a license is not
87 required for the sale of new containers of 96 pounds water capacity or less;

88 (2) systems activities, including:

89 (a) the installation, service, or repair of LPG systems for use in this state~~[-, including~~

90 ~~the~~; and
91 (b) laying or connecting of pipes and fittings connecting with or to systems or servicing
92 a system and appliances to be used with LPG as a fuel;
93 (3) appliance activities~~[:]~~, including the service, installation, or repair of appliances
94 used or to be used in this state in connection with systems using LPG as a fuel; or
95 (4) product activities~~[:]~~, including the sale, transportation, dispensation, or storage of
96 LPG in this state, except that a license or certification is not required ~~[to sell LPG where the]~~
97 for a vendor ~~[never obtains]~~;
98 (a) who sells LPG but does not obtain possessory rights to the product sold; or ~~[where]~~
99 (b) when the product is ~~[transported or]~~ stored, transferred, or used by the ~~[ultimate]~~
100 final consumer ~~[for personal consumption only]~~.

Legislative Review Note
as of 1-25-12 1:08 PM

Office of Legislative Research and General Counsel