

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 300 OF 1991
HOUSE BILL 1220

4 **By: Representatives Wingfield, Cunningham, Lipton, George**

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For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE LIQUEFIED
9 PETROLEUM GAS BOARD ACT PERTAINING TO PERMIT FEES; AND FOR
10 OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13

14 SECTION 1. Ark. Code Ann. §15-75-105 is hereby amended to read as
15 follows:

16 "15-75-105. Schedule of inspection and registration fees.

17 The board shall have authority to charge the following maximum fees for
18 the inspection or registration of the following:

- 19 (1) Containers of fifty (50) water gallon
20 capacity or less \$ 5.00
21 Over fifty (50) water gallon through one hundred
22 twenty (120) gallon capacity 10.00
23 Over one hundred twenty (120) water gallon through
24 two thousand (2,000) gallon capacity..... 20.00
25 (2) Over two thousand (2,000) water gallon capacity
26 25.00
27 (3) Fuel containers used on mobile equipment, such as
28 automobiles, tractors, and trucks 5.00
29 (4) D.O.T. or I.C.C. cylinders shall comply with D.O.T. or I.C.C.
30 regulations and cylinders with one hundred pound (100 lb.)
31 capacity or less shall require no fee.
32 (5) Containers used for bulk storage,
33 regardless of size 35.00
34 (6) Cargo containers mounted on trucks or semitrailers,
35 regardless of size 150.00
36 (7) Containers used for commercial or industrial

1	storage, cylinder filling plants, service	
2	stations	25.00
3	(8) Public buildings using liquefied petroleum gas	
4	35.00
5	(9) Domestic, commercial, industrial, or other	
6	type building	25.00
7	(10) Shop inspection, per day	35.00
8	(11) Certificate of competency	25.00."

9

10 SECTION 2. Ark. Code Ann. §15-75-305 is hereby amended to read as

11 follows:

12 "15-75-305. Applicants for permits.

13 Any person desiring to engage in the liquefied petroleum gas business in

14 this state must file a formal application and supporting papers, together with

15 a filing fee of fifty dollars (\$ 50.00), with the board at least thirty (30)

16 days prior to the date of the regular meeting at which the application is to

17 be considered. Should the applicant be a corporation or partnership, copies of

18 the article of incorporation or partnership agreement, if any, shall accompany

19 the application together with a certificate from the Department of Finance and

20 Administration - Revenue Services Division evidencing that all taxes due have

21 been paid or otherwise negating state tax liability. Application forms will

22 be furnished by the board at any time upon request. In determining whether to

23 grant permits or certificates, the board shall be given a reasonable time in

24 which to investigate the applicant. If the permit or certificate is denied,

25 the applicant shall be notified by registered mail.

26 (1) Applicants for class one permits as defined in 15-75-307 shall be

27 present at the board meeting at which the application is to be considered.

28 (2) Presence of applicants for all other permits may be required at the

29 discretion of the board at meetings in which the applications are to be

30 considered.

31 (3) Before any application may be considered by the board, the

32 applicant must have on file in the office of the director a certificate of

33 intended insurance evidencing the kinds and amounts as required by this act

34 for the class of permit requested. After approval of the application and

35 before the permit may be issued, a certificate of required insurance must be

1 furnished bearing the clause, "The insurance company will notify the Director,
2 Liquefied Petroleum Gas Board, thirty (30) days prior to cancellation of the
3 insurance referred to herein." Binders by insurance agents are not acceptable
4 for the purpose of this act.

5 (4) All applicants must agree to provide adequate equipment and
6 products which are satisfactory to the board.

7 (5) All persons in charge of operations, and servicemen, installation
8 men, and truck drivers, must have a certificate of competency from the board.
9 Each certificate of competency shall be renewed annually.

10 (6) Applicants must have satisfactory experience in the liquefied
11 petroleum gas business or have employed a recognized operator of the business
12 with experience and competency. In order that the board may be assured as to
13 competency insofar as safety is concerned, applicants for permits to engage in
14 the liquefied petroleum gas business generally shall qualify for new
15 certificates of competency. One (1) or more employees who are to be engaged
16 in the delivery and transportation of liquefied petroleum gas, and one (1) or
17 more separate employees who are to be engaged in the installation of liquefied
18 petroleum gas containers and systems, as well as a general safety supervisor,
19 shall have a general knowledge of the characteristics of liquefied petroleum
20 gases, as well as its proper handling and utilization, along with a thorough
21 knowledge and understanding of the National Fire Protection Association
22 Pamphlet No. 58 and the State Liquefied Petroleum Gas Code, covering the
23 storage and handling of liquefied petroleum gases, as established by a current
24 written or oral examination prepared and conducted by an examination committee
25 selected by the board. The examination committee shall meet not more than
26 thirty (30) days prior to a regular board meeting for the purpose of
27 conducting the required examinations.

28 (7) Applicants must agree to furnish whatever information the board may
29 require as to their financial condition, character, and ability to engage in
30 the liquefied petroleum gas business and must also furnish whatever references
31 the board may require. In determining whether to grant a class one permit, the
32 board shall take into consideration the convenience and necessity of the
33 public.

34 (8) In order that the public or user of liquefied petroleum gases may
35 be assured of competent and efficient service to any container, system, or

1 appurtenance, each dealer who has been issued a current permit, or any
2 applicant therefor, in addition to competent gas delivery and transportation
3 personnel, shall provide separate competent personnel for the installation and
4 servicing of containers, systems, and appurtenances.

5 (9) In determining whether or not to grant a permit, the board shall
6 determine whether or not applicant can provide safe and efficient service to
7 the public or the users in the area in which liquefied petroleum gas
8 operations are to be conducted.

9 (10) In addition to the foregoing requirements, applicants must also
10 meet the additional requirements listed under the specific class of permit
11 desired.

12 (11) If an application for a permit to engage in the liquefied
13 petroleum gas business has been denied, the applicant may reapply, but the new
14 application shall not be considered for a period of ninety (90) days after the
15 aforesaid denial.

16 (12) All foreign corporations doing business in this state in any phase
17 of the liquefied petroleum gas business must furnish evidence of their
18 qualifications to do business in the state as a foreign corporation.

19 (13) In addition to the foregoing, the board shall have the power to
20 make reasonable application requirements by rules and regulations."
21

22 SECTION 3. Ark. Code Ann. §15-75-307 is hereby amended to read as
23 follows:

24 "15-75-307. Class one permit.

25 (a) The holder of a class one permit:

26 (1) May engage in any phase of the liquefied petroleum gas
27 business;

28 (2) Must pay an annual permit fee in the sum of four hundred
29 dollars (\$ 400).

30 (b) An applicant for a class one permit:

31 (1) Must furnish to the board evidence of the following
32 insurance:

- 33 (A) Manufacturers' and Each Person \$10,000
- 34 Contractors' Bodily Injury Each Accident \$20,000
- 35 Liability Insurance

1	(B) Manufacturers' and	Each Accident	\$10,000
2	Contractors' Property	Aggregate	\$25,000
3	Damage Liability Insurance		
4	(C) Products Bodily Injury	Each Person	\$10,000
5	Liability Insurance	Each Accident	\$20,000
6		Aggregate	\$25,000
7	(D) Products Property Damage	Each Person	\$10,000
8	Liability Insurance	Aggregate	\$25,000
9	(E) Automobile Bodily Injury	Each Person	\$10,000
10	Liability Insurance	Each Accident	\$20,000
11	(F) Automobile Property	Each Accident	\$10,000
12	Damage Liability Insurance		

13 (2) Must provide a financial statement which has been compiled
14 within the past sixty (60) days by a public accountant;

15 (3) Must provide a map outlining the exact territory or area in
16 which operation is to be conducted;

17 (4) Must provide full-time employment of qualified personnel
18 whose competency shall be proven through a current written or oral
19 examination;

20 (5) Must provide a bulk storage capacity of not less than fifteen
21 thousand (15,000) water gallons, the location of which must be approved by the
22 board in advance of the application. Storage containers being used in
23 connection with cotton gins, rice dryers, manufacturing plants, or any other
24 type commercial use, regardless of size, will not be accepted as bulk storage
25 and cannot be included in the requirements for the fifteen thousand (15,000)
26 gallons storage;

27 (6) Must provide approved type cylinder or bottle-filling
28 facilities consisting of a separate pump, the capacity of which shall not be
29 in excess of twenty (20) gallons per minute (GPM) and shall be designed for
30 the primary purpose of filling bottles. Where a manifold or multiple filling
31 system is contemplated, the board shall be consulted regarding pump capacity;

32 (7) Must provide equipment satisfactory to the board;

33 (8) Must provide switch track or tank loading and unloading
34 facilities satisfactory to the board. All auxiliary equipment such as pumps,
35 hose, electrical switches, etc. shall be Underwriters Laboratory approved for

1 liquefied petroleum gases;

2 (9) In addition to the foregoing requirements, all class one
3 applicants must comply with all other applicable requirements."

4

5 SECTION 4. Ark. Code Ann. §15-75-308 is hereby amended to read as
6 follows:

7 "15-75-308. Class two permit.

8 (a) The holder of a class two permit:

9 (1) May install liquefied petroleum gas piping and install and
10 sell liquefied petroleum gas containers and appliances but may not deliver
11 gas;

12 (2) Must pay an annual permit fee in the sum of one hundred
13 dollars (\$ 100.00).

14 (b) The applicant for a class two permit:

15 (1) Must have a contract with a class one dealer agreeing to
16 service his installations and providing that the Liquefied Petroleum Gas Board
17 is to be given thirty (30) days' notice before termination of the contract;

18 (2) Must furnish evidence of the following insurance:

19 (A) Manufacturers' and Each Person \$10,000
20 Contractors' Bodily Injury Each Accident \$20,000
21 Liability Insurance

22 (B) Manufacturers' and Each Accident \$10,000
23 Contractors' Property Damage Aggregate \$25,000
24 Liability Insurance

25 (C) Products Bodily Injury Each Person \$10,000
26 Liability Insurance Each Accident \$20,000
27 Aggregate \$25,000

28 (D) Products Property Damage Each Accident \$10,000
29 Liability Insurance Aggregate \$25,000

30 (3) Must provide a certified or notarized financial statement
31 which has been compiled within the past sixty (60) days;

32 (4) Must provide full-time employment of qualified personnel
33 whose competency shall be proven through a current written or oral
34 examination;

35 (5) Must comply with all other applicable requirements for class

1 two applicants."

2

3 SECTION 5. Ark. Code Ann. §15-75-309 is hereby amended to read as
4 follows:

5 "15-75-309. Class three permit.

6 (a) The holder of a class three permit:

7 (1) May sell and install ICC cylinders and liquefied petroleum
8 gas appliances only;

9 (2) Must pay an annual permit fee in the sum of one hundred
10 dollars (\$ 100.00).

11 (b) The applicant for a class three permit:

12 (1) (A) Must have a contract with a class one dealer, agreeing
13 that he will supply gas for the cylinders by either of the following methods:

14 (i) Filling cylinders by weight at his plant;

15 (ii) Furnishing a storage container of not less than
16 one thousand (1,000) gallon capacity, in connection with the proper type
17 filling facilities;

18 (B) The contract shall state that the Liquefied Petroleum
19 Gas Board be given thirty (30) days' notice before termination of the
20 contract;

21 (2) Must furnish evidence of the following insurance:

22 (A) Manufacturers' and Each Person \$10,000
23 Contractors' Bodily Injury Each Accident \$25,000
24 Liability Insurance

25 (B) Manufacturers' and Each Accident \$10,000
26 Contractors' Property Aggregate \$25,000
27 Damage Liability Insurance

28 (C) Products Bodily Injury Each Person \$10,000
29 Liability Insurance Each Accident \$20,000
30 Aggregate \$25,000

31 (D) Products Property Damage Each Accident \$10,000
32 Liability Insurance Aggregate \$25,000

33 (3) Must provide full-time employment of qualified personnel
34 whose competency shall be proved through a current written or oral
35 examination;

1 whose competency shall be proved through a current written or oral
2 examination;

3 (4) Must comply with all other applicable requirements."
4

5 SECTION 8. Ark. Code Ann. §15-75-312 is hereby amended to read as
6 follows:

7 "15-75-312. Class six permit.

8 (a) The holder of a class six permit:

9 (1) May transport liquefied petroleum gas over the highways of
10 the state for delivery to points outside the state only;

11 (2) May not deliver liquefied petroleum gas to any Arkansas
12 dealer, commercial or industrial plant, or directly to a consumer;

13 (3) May not sell or install any type of container or system;

14 (4) Must have all delivery equipment inspected and approved
15 before being placed in operation and annually thereafter;

16 (5) Shall not use motor fuel directly from cargo tanks;

17 (6) Must pay an annual permit fee in the sum of two hundred
18 dollars (\$ 200.00).

19 (b) All transport truck operators must have certificates of competency
20 from the board.

21 (c) An applicant for a class six permit:

22 (1) Must furnish evidence of the following insurance on each
23 truck used in operations in this state:

24 (A) Automobile Bodily Injury Each Person \$10,000
25 Liability Insurance Each Accident \$20,000

26 (B) Automobile Property Each Accident \$10,000
27 Damage Liability Insurance

28 (2) Must submit inventory of all trucks traveling in this state
29 showing the following information:

30 (A) Name of liquefied petroleum gas tank manufacturer;

31 (B) Code under which constructed;

32 (C) Design working pressure and water capacity;

33 (D) Relief valve setting;

34 (E) Tank manufacturer's serial number;

35 (F) Type and size of fuel tanks;

- 1 (G) Number, type, and size of fire extinguishers;
- 2 (H) Manufacturer's data sheet for each container, including
- 3 fuel tanks;

4 (3) Must comply with all other applicable requirements.

5
6 SECTION 9. Ark. Code Ann. §15-75-313 is hereby amended to read as
7 follows:

8 "15-75-313. Class seven permit.

9 (a) The holder of a class seven permit:

- 10 (1) May operate liquefied petroleum gas service stations;
- 11 (2) May sell liquefied petroleum gas to operators of mobile
- 12 equipment only;
- 13 (3) May not sell or install any type container or appliance;
- 14 (4) May not fill any type container except those permanently
- 15 mounted on mobile equipment;
- 16 (5) Must provide storage and dispensing facilities suitable to
- 17 the Liquefied Petroleum Gas Board;

18 (6) Must furnish evidence of the following insurance:

19 (A) Manufacturers' and Each Person \$10,000
20 Contractors' Bodily Injury Each Accident \$20,000
21 Liability Insurance

22 (B) Manufacturers' and Each Accident \$10,000
23 Contractors' Property Damage Aggregate \$25,000
24 Liability Insurance

25 (C) Products Bodily Injury Each Person \$10,000
26 Liability Insurance Each Accident \$20,000
27 Aggregate \$25,000

28 (D) Products Property Damage Each Accident \$10,000
29 Liability Insurance Aggregate \$25,000

30 or

31 Garage Liability Bodily Each Person \$10,000
32 Liability Insurance Each Accident \$20,000

33 or

34 Garage Liability Property Each Accident \$10,000
35 Damage Liability Insurance

1 (7) Must pay an annual permit fee in the sum of one hundred
2 dollars (\$ 100.00).

3 (b) In addition to the foregoing requirements, all class seven
4 applicants must comply with all other applicable requirements."

5

6 SECTION 10. Ark. Code Ann. §15-75-314 is hereby amended to read as
7 follows:

8 "15-75-314. Class eight permit.

9 (a) Class eight permits may be issued to, but not limited to,
10 refineries, jobbers, or sellers of liquefied petroleum gas.

11 (b) Holders of class eight permits:

12 (1) May sell to permit holders exclusively;

13 (2) Must pay an annual permit fee in the sum of two hundred
14 dollars (\$ 200)."

15

16 SECTION 11. Ark. Code Ann. §15-75-315 is hereby amended to read as
17 follows:

18 "15-75-315. Class nine permit.

19 (a) Holders of class nine permits:

20 (1) May sell liquefied petroleum gas containers or equipment to
21 permit holders exclusively;

22 (2) Must furnish evidence of the following insurance:

23 (A) Manufacturers' and Each Person \$10,000
24 Contractors' Bodily Injury Each Accident \$20,000
25 Liability Insurance

26 (B) Manufacturers' and Each Accident \$10,000
27 Contractors' Property Aggregate \$25,000
28 Damage Liability Insurance

29 (C) Products Bodily Injury Each Person \$10,000
30 Liability Insurance Each Accident \$20,000
31 Aggregate \$25,000

32 (D) Products Property Damage Each Accident \$10,000
33 Liability Insurance Aggregate \$25,000

34 (3) Shall submit, for approval by the director, blueprints and
35 specifications in duplicate for each type of container before any liquefied

1 petroleum gas containers are shipped into the state. All fittings and the
2 manufacturer thereof shall be listed, and no variation from prints submitted
3 will be permitted until the variations from the plans submitted have received
4 approval by the director;

5 (4) Must file a report of containers shipped. On the date of
6 shipment, the manufacturer must forward a list of each container on an
7 approved form, together with one (1) data sheet for each container shipped
8 into the state, showing manufacturer's serial number, capacity in gallons, and
9 to whom shipped;

10 (5) (A) Each manufacturer and jobber of liquefied petroleum gas
11 containers shall forward to the board, together with the required notice of
12 shipment and data sheet on the same day shipment is made, the following
13 registration fees for each container shipped into the state:

- 14 (i) Containers of fifty (50) water gallon capacity or
15 less \$2.00
- 16 (ii) Over fifty (50) water gallon through one hundred
17 twenty (120) gallon capacity..... \$4.00
- 18 (iii) Over one hundred twenty (120) water gallon
19 through five hundred (500) gallon capacity..... \$5.00
- 20 (iv) Over five hundred (500) water gallon through two
21 thousand (2,000) gallon capacity..... \$6.00
- 22 (v) Over two thousand (2,000) water gallon
23 capacity..... \$7.00
- 24 (vi) Fuel containers used on mobile equipment such as
25 automobiles, tractors, and trucks..... \$3.50

26 (B) Must attach a registration tag to each container
27 shipped. However, bulk storage containers, delivery trucks, transport trucks,
28 and containers of thirty (30) water gallon capacity or less manufactured in
29 compliance with the Federal Interstate Commerce Commission are exempt from
30 registration tags and fees;

31 (6) Must furnish photostats of current ASME certificate of
32 authorization and field card of shop inspector;

33 (7) Must sell liquefied petroleum gas containers or equipment to
34 permit holders exclusively;

35 (8) Must pay an annual permit fee in the sum of one hundred

1 dollars (\$ 100.00).

2 (b) In addition to the foregoing requirements, all class nine
3 applicants must comply with all other applicable requirements."

4

5 SECTION 12. Ark. Code Ann. §15-75-316 is hereby amended to read as
6 follows:

7 "15-75-316. Class ten permit.

8 (a) Holders of class ten permits:

9 (1) May engage in the installation of liquefied petroleum gas
10 piping and appliances in any type building but may not sell or install
11 liquefied petroleum gas containers;

12 (2) Must pay an annual permit fee in the sum of one hundred
13 dollars (\$ 100.00).

14 (b) Applicants for class ten permits:

15 (1) Must furnish evidence of the following insurance:

16 (A) Manufacturers' and Each Person \$10,000
17 Contractors' Bodily Injury Each Accident \$20,000
18 Liability Insurance

19 (B) Manufacturers' and Each Accident \$10,000
20 Contractors' Property Aggregate \$25,000
21 Damage Liability Insurance

22 (2) Must provide a certified or notarized financial statement
23 which has been compiled within the past sixty (60) days;

24 (3) Must provide full-time employment of qualified personnel
25 whose competency shall be proved through a current written or oral
26 examination;

27 (4) Must comply with all other applicable requirements."
28

29 SECTION 13. All provisions of this act of a general and permanent
30 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
31 Code Revision Commission shall incorporate the same in the Code.

32

33 SECTION 14. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

3

4 SECTION 15. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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7 APPROVED: 3-1-91

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