

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

# A Bill

**HOUSE BILL**

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

5

6

7

## 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

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

10

11 SECTION 2. Ark. Code Ann. §15-75-305 is hereby amended to read as  
12 follows:

13 "15-75-305. Applicants for permits.

14 Any person desiring to engage in the liquefied petroleum gas business in  
15 this state must file a formal application and supporting papers, together with  
16 a filing fee of fifty dollars (\$ 50.00), with the board at least thirty (30)  
17 days prior to the date of the regular meeting at which the application is to  
18 be considered. Should the applicant be a corporation or partnership, copies of  
19 the article of incorporation or partnership agreement, if any, shall accompany  
20 the application together with a certificate from the Department of Finance and  
21 Administration - Revenue Services Division evidencing that all taxes due have  
22 been paid or otherwise negating state tax liability. Application forms will  
23 be furnished by the board at any time upon request. In determining whether to  
24 grant permits or certificates, the board shall be given a reasonable time in  
25 which to investigate the applicant. If the permit or certificate is denied,  
26 the applicant shall be notified by registered mail.

27 (1) Applicants for class one permits as defined in 15-75-307 shall be  
28 present at the board meeting at which the application is to be considered.

29 (2) Presence of applicants for all other permits may be required at the  
30 discretion of the board at meetings in which the applications are to be  
31 considered.

32 (3) Before any application may be considered by the board, the  
33 applicant must have on file in the office of the director a certificate of  
34 intended insurance evidencing the kinds and amounts as required by this act  
35 for the class of permit requested. After approval of the application and

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

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

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

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

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

35 (8) In order that the public or user of liquefied petroleum gases may

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

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

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

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

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

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

22

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

25 "15-75-307. Class one permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (8) Must provide switch track or tank loading and unloading  
 35 facilities satisfactory to the board. All auxiliary equipment such as pumps,

1 hose, electrical switches, etc. shall be Underwriters Laboratory approved for  
2 liquefied petroleum gases;

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

5

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

8 "15-75-308. Class two permit.

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

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

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

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

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

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

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

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

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

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

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

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

1           (5) Must comply with all other applicable requirements for class  
2 two applicants."

3

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

6           "15-75-309. Class three permit.

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

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

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

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

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

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

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

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

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

23                         (A) Manufacturers' and Each Person \$10,000  
24                                 Contractors' Bodily Injury     Each Accident         \$25,000  
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) Must provide full-time employment of qualified personnel  
35 whose competency shall be proved through a current written or oral

1 examination;

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

4 (5) Must comply with all other applicable requirements."  
5

6 SECTION 6. Ark. Code Ann. §15-75-310 is hereby amended to read as  
7 follows:

8 "15-75-310. Class four permit.

9 The holder of a class four permit:

10 (1) May sell and install liquefied petroleum gas equipment used on  
11 internal combustion engines, permanently mounted on mobile equipment only;

12 (2) May not deliver liquefied petroleum gas;

13 (3) May not sell or install any other type of containers or appliances;

14 (4) Must comply with all applicable requirements;

15 (5) Must pay an annual permit fee in the sum of fifty dollars (\$  
16 50.00)."

17

18 SECTION 7. Ark. Code Ann. §15-75-311 is hereby amended to read as  
19 follows:

20 "15-75-311. Class five permit.

21 (a) The holder of a class five permit:

22 (1) May deliver liquefied petroleum gas to or for class one  
23 dealers, exclusively, but shall not retail liquefied petroleum gas or sell or  
24 install liquefied petroleum gas containers or systems;

25 (2) Shall not use motor fuel directly from cargo trailer tanks;

26 (3) Must pay an annual permit fee in the sum of two hundred  
27 dollars (\$ 200).

28 (b) An applicant for a class five permit:

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

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

32 (B) Automobile Property Each Accident \$10,000  
33 Damage Liability Insurance

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



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

4           (4) Must comply with all other applicable requirements."  
5

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

8           "15-75-312. Class six permit.

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

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

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

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

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

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

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

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

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

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

25	(A) Automobile Bodily Injury	Each Person	\$10,000
26	Liability Insurance	Each Accident	\$20,000
27	(B) Automobile Property	Each Accident	\$10,000
28	Damage Liability Insurance		

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

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

32           (B) Code under which constructed;

33           (C) Design working pressure and water capacity;

34           (D) Relief valve setting;

35           (E) Tank manufacturer's serial number;

- 1 (F) Type and size of fuel tanks;
- 2 (G) Number, type, and size of fire extinguishers;
- 3 (H) Manufacturer's data sheet for each container, including
- 4 fuel tanks;
- 5 (3) Must comply with all other applicable requirements.

6

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

8 follows:

9 "15-75-313. Class seven permit.

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

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

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

20	(A) Manufacturers' and	Each Person	\$10,000
21	Contractors' Bodily Injury	Each Accident	\$20,000
22	Liability Insurance		
23	(B) Manufacturers' and	Each Accident	\$10,000
24	Contractors' Property Damage	Aggregate	\$25,000
25	Liability Insurance		
26	(C) Products Bodily Injury	Each Person	\$10,000
27	Liability Insurance	Each Accident	\$20,000
28		Aggregate	\$25,000
29	(D) Products Property Damage	Each Accident	\$10,000
30	Liability Insurance	Aggregate	\$25,000
31	or		
32	Garage Liability Bodily	Each Person	\$10,000
33	Liability Insurance	Each Accident	\$20,000
34	or		
35	Garage Liability Property	Each Accident	\$10,000

1                            Damage Liability Insurance

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

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

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

9                    "15-75-314. Class eight permit.

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

12                   (b) Holders of class eight permits:

13                         (1) May sell to permit holders exclusively;

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

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

19                    "15-75-315. Class nine permit.

20                   (a) Holders of class nine permits:

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

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

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

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

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

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

35                         (3) Shall submit, for approval by the director, blueprints and

1 specifications in duplicate for each type of container before any liquefied  
2 petroleum gas containers are shipped into the state. All fittings and the  
3 manufacturer thereof shall be listed, and no variation from prints submitted  
4 will be permitted until the variations from the plans submitted have received  
5 approval by the director;

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

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

15 (i) Containers of fifty (50) water gallon capacity or  
16 less ..... \$2.00

17 (ii) Over fifty (50) water gallon through one hundred  
18 twenty (120) gallon capacity..... \$4.00

19 (iii) Over one hundred twenty (120) water gallon  
20 through five hundred (500) gallon capacity..... \$5.00

21 (iv) Over five hundred (500) water gallon through two  
22 thousand (2,000) gallon capacity..... \$6.00

23 (v) Over two thousand (2,000) water gallon  
24 capacity..... \$7.00

25 (vi) Fuel containers used on mobile equipment such as  
26 automobiles, tractors, and trucks..... \$3.50

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

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

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

1           (8) 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 nine  
4 applicants must comply with all other applicable requirements."

5

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

8           "15-75-316. Class ten permit.

9           (a) Holders of class ten permits:

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

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

15           (b) Applicants for class ten permits:

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

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

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

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

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

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

29

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

33

34           SECTION 14. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without  
2 the invalid provision or application, and to this end the provisions of this  
3 act are declared to be severable.

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

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