

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/14/01

A Bill

Act 1219 of 2001
SENATE BILL 567

5 By: Senator Baker
6 By: Representatives Parks, Scroggin, Stovall
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For An Act To Be Entitled

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10 *AN ACT TO AMEND ARKANSAS CODE 15-75-307 TO*
11 *CLARIFY THE REQUIREMENTS FOR A MULTI-COUNTY CLASS*
12 *ONE (1) PERMIT FOR LIQUEFIED PETROLEUM GAS*
13 *BUSINESSES; TO ADD A SUNSET PROVISION; AND FOR*
14 *OTHER PURPOSES.*

Subtitle

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17 *AN ACT TO CLARIFY THE REQUIREMENTS FOR A*
18 *MULTI-COUNTY CLASS ONE (1) PERMIT FOR*
19 *LIQUEFIED PETROLEUM GAS BUSINESSES AND*
20 *TO ADD A SUNSET PROVISION.*

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

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25 SECTION 1. Arkansas Code 15-75-307 is amended to read as follows:
26 15-75-307. Class one permit.

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

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

30 (2) Must pay an annual permit fee in the sum of three hundred
31 dollars (\$300).

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

33 (1) Must furnish to the Liquefied Petroleum Gas Board evidence of
34 the following insurance:

35 (A) Manufacturers' and Contrac-	Each Person	\$500,000
36 tors' Bodily Injury Li a-	Each Accident	500,000

1	bility Insurance		
2	(B) Manufacturers' and Contrac-	Each Accident	\$500,000
3	tors' Property Damage	Aggregate	500,000
4	Liability Insurance		
5	(C) Products Bodily Injury	Each Person	\$500,000
6	Liability Insurance	Each Accident	500,000
7		Aggregate	500,000
8	(D) Products Property Damage	Each Person	\$500,000
9	Liability Insurance	Aggregate	500,000
10	(E) Automobile Bodily Injury	Each Person	\$500,000
11	Liability Insurance	Each Accident	500,000
12	(F) Automobile Property Damage	Each Accident	\$500,000
13	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 the operation is to be conducted*;

18 (A) The territory map shall, on an approved map, designate
 19 three (3) Arkansas counties.

20 (B)(i) The applicant shall designate within one (1)
 21 Arkansas county the location of the proposed principal place of business of
 22 the applicant and the proposed location of the principal bulk storage tank
 23 facility.

24 (ii) The designated county shall be the home county
 25 area of operation of the applicant.

26 (C)(i) The application shall designate on the approved map
 27 two (2) counties adjoining and contiguous to the home county.

28 (ii) The two (2) adjoining counties shall be within
 29 the area of operation of the applicant, but the applicant shall not be
 30 required to locate facilities within those two (2) adjoining counties.

31 (D) The permit fee shall be paid for each county in which
 32 the applicant operates.

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

36 (A) There shall be a minimum of three (3) employees.

1 (B) For each permit, one (1) employee shall be certified as
2 a General Safety Supervisor and one (1) employee shall be certified as an
3 installation personnel.

4 (C) One (1) employee may be certified as both transport and
5 delivery/installation, a combination certification, but that combination
6 certification shall not relieve the requirement for a minimum of three (3)
7 employees;

8 (5)(A) Must provide a bulk storage capacity of not less than
9 fifteen thousand (15,000) water gallons thirty thousand (30,000) water gallons
10 at the principal location of the permitted facility, the location of which
11 must be approved by the board in advance of the application and which must be
12 maintained by the applicant in safe working condition throughout the duration
13 of the permit applied for under penalty of permit forfeiture by action of the
14 Liquefied Petroleum Gas Board.

15 (B) Storage containers being used in connection with cotton
16 gins, rice dryers, manufacturing plants, or any other type commercial use,
17 regardless of size, will not be accepted as bulk storage and cannot be
18 included in the requirements for the fifteen thousand (15,000) thirty thousand
19 (30,000) gallons storage.

20 (C) Must maintain a place of business within one (1) of the
21 three (3) permitted counties which shall be the principal working location for
22 the employees of the permitted facility and must maintain posted office hours
23 at the principal working location;

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

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

30 (8) Must provide switch track or tank loading and unloading
31 facilities satisfactory to the board. All auxiliary equipment such as pumps,
32 hoses, electrical switches, etc., shall be Underwriters' Laboratory-approved
33 for liquefied petroleum gases; and

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

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1 SECTION 2. Arkansas Code 15-75-320 is amended by adding the following
2 additional subsection:

3 (h)(1) Any otherwise qualified dealer who does not select to operate in
4 the entire county and pay the required permit fee for the entire county as
5 outlined in subdivision (b)(2) of this section before December 31, 2001, shall
6 be presumed to select to operate in the area of operation defined in the
7 previously authorized area of operation on file before July 1, 1999, in the
8 records of the Liquefied Petroleum Gas Board and shall not be permitted to
9 select a county wide service area thereafter.

10 (2) After December 31, 2001, additional permitted areas of
11 operation shall be by new application only.

12 /s/ Baker

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15 APPROVED: 4/2/2001
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