

*As Engrossed: 2/1/95*

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Beebe**

# A Bill

**ACT 477 OF 1995**  
**SENATE BILL 18**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 15-75-108 TO PROVIDE THAT  
9 LP GAS DEALERS SHALL CONDUCT ONE (1) LP GAS SAFETY MEETING  
10 DURING EACH TWELVE (12) MONTH PERIOD FOR ITS EMPLOYEES; AN  
11 ACT TO AMEND VARIOUS PROVISIONS OF THE LP GAS LAW; AND FOR  
12 OTHER PURPOSES."

## Subtitle

13  
14  
15 "AN ACT TO AMEND VARIOUS SECTIONS OF THE  
16 LP GAS LAW."

17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. Arkansas Code 15-75-108 is amended to read as follows:  
21 "§15-75-108. Dealers' safety meetings for employees.

22 Each dealer authorized to engage in the liquefied petroleum gas business  
23 generally in this state, in conjunction with representatives of the board, an  
24 insurance company, or other recognized safety organization, shall conduct with  
25 all employees handling liquefied petroleum gases one (1) general safety  
26 meeting during each twelve-month period."

27  
28 SECTION 2. Arkansas Code 15-75-304 is amended by inserting two  
29 additional subsections at the end thereof to read as follows:

30 "(c) All new Class 1 employees must attend a forty (40) hour basic  
31 course in LP Gas as prescribed by the board within the first year of their  
32 employment or their certification certificate will be suspended until course  
33 has been completed.

34 (d) All Class 1 employees who change from one Class 1 employer to  
35 another Class 1 employer who has not previously had the forty (40) hour basic  
36 training course as prescribed by the board must do so within one (1) year of

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1 transfer date of employment or their certification certificate will be  
2 suspended until course has been completed."

3

4 SECTION 3. Arkansas Code 15-75-305 is amended by inserting an  
5 additional subsection at the end thereof to read as follows:

6 "(1) applicants for a Class 1 permit must attend a forty (40) hour  
7 basic course in LP Gas as prescribed by the board prior to the board meeting  
8 at which their application may be heard. All owners, managers or officials  
9 and employees connected to or listed on the Class 1 application must attend  
10 the basic training course prior to the board meeting at which their  
11 application may be heard."

12

13 SECTION 4. Arkansas Code 15-75-307(b) is amended to read as follows:

14 "(b) An applicant for a class one permit:

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

17 (A) Manufacturers' and Contrac-	Each Person	\$500,000
18 tors' Bodily Injury Liability Insurance	Each Accident	500,000
19 (B) Manufacturers' and Contrac-	Each Accident	\$500,000
20 tors' Property Damage Liability Insurance	Aggregate	500,000
21 (C) Products Bodily Injury	Each Person	\$500,000
22 Liability Insurance	Each Accident	500,000
	Aggregate	500,000
24 (D) Products Property Damage	Each Person	\$500,000
25 Liability Insurance	Aggregate	500,000
26 (E) Automobile Bodily Injury	Each Person	\$500,000
27 Liability Insurance	Each Accident	500,000
28 (F) Automobile Property Damage	Each Accident	\$500,000
29 Liability Insurance		

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

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

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

1 examination;

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

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

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

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

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

21

22           SECTION 5. Arkansas Code 15-75-312(c) is amended to read as follows:

23           "(c) An applicant for a class six permit:

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

26           (A) Automobile Bodily Injury	Each Person	\$500,000
27           Liability Insurance	Each Accident	500,000
28           (B) Automobile Property Damage	Each Accident	\$500,000
29           Liability Insurance		

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

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

33           (B) Code under which constructed;

34           (C) Design working pressure and water capacity;

35           (D) Relief valve setting;

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

7

8 SECTION 6. Arkansas Code 15-75-313 is amended to read as 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 Contrac-	Each Person	\$500,000
21	tors' Bodily Injury Liability Insurance	Each Accident	500,000
22	(B) Manufacturers' and Contrac-	Each Accident	\$500,000
23	tors' Property Damage Liability Insurance	Aggregate	500,000
24	(C) Products Bodily Injury	Each Person	\$500,000
25	Liability Insurance	Each Accident	500,000
26		Aggregate	500,000
27	(D) Products Property Damage	Each Accident	\$500,000
28	Liability Insurance	Aggregate	500,000
29	or		
30	Garage Liability Bodily Liability Insurance	Each Person	500,000
31		Each Accident	500,000
32	or		
33	Garage Liability Property Damage Liability	Each Accident	500,000
34	Insurance		

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

1 dollars (\$100).

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

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5 SECTION 7. Arkansas Code 15-75-315 is amended to read as follows:

6 "§ 15-75-315. Class nine permit.

7 (a) Holders of class nine permits:

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

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

11 (A) Manufacturers' and Contrac- Each Person \$500,000  
12 tors' Bodily Injury Liability Insurance Each Accident 500,000

13 (B) Manufacturers' and Contrac- Each Accident \$500,000  
14 tors' Property Damage Liability Insurance Aggregate 500,000

15 (C) Products Bodily Injury Each Person \$500,000  
16 Liability Insurance Each Accident 500,000  
17 Aggregate 500,000

18 (D) Products Property Damage Each Accident \$500,000  
19 Liability Insurance Aggregate 500,000

20 (3) Shall submit, for approval by the director, blueprints and  
21 specifications in duplicate for each type of container before any liquefied  
22 petroleum gas containers are shipped into the state. All fittings and the  
23 manufacturer thereof shall be listed, and no variation from prints submitted  
24 will be permitted until the variations from the plans submitted have received  
25 approval by the director;

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

31 (B) Each manufacturer and jobber of liquefied petroleum gas  
32 containers shall forward to the board, together with the required notice of  
33 shipment and data sheet on the same day shipment is made, the following  
34 registration fees for each container shipped into the state:

35 (i) Containers of fifty (50) water gallon capacity or less

1 .....\$5.00

2 (ii) Over fifty (50) water gallon through one hundred  
3 twenty (120) gallon capacity.....\$10.00

4 (iii) Over one hundred twenty (120) water gallon through  
5 five hundred (500) gallon capacity .....\$20.00

6 (iv) Over five hundred (500) water gallon through two  
7 thousand (2,000) gallon capacity .....\$20.00

8 (v) Over two thousand (2,000) water gallon capacity  
9 .....\$25.00

10 (vi) Fuel containers used on mobile equipment such as  
11 automobiles, tractors, and trucks .....\$5.00

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

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

19 (7) Must sell liquefied petroleum gas containers or equipment to  
20 permit holders exclusively; and

21 (8) Must pay an annual permit fee in the sum of one hundred  
22 dollars (\$100).

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

25

26 SECTION 8. Arkansas code 15-75-316(b) is amended to read as follows:

27 "(b) Applicants for class ten permits:

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

29

30	(A) Manufacturers' and Contrac-	Each Person	\$500,000
31	tors' Bodily Injury Liability Insurance	Each Accident	500,000
32	(B) Manufacturers' and Contrac-	Each Accident	\$500,000
33	tors' Property Damage Liability Insurance	Aggregate	500,000

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 whose  
2 competency shall be proved through a current written or oral examination; and  
3       (4) Must comply with all other applicable requirements."  
4

5       SECTION 9. Arkansas Code 15-75-321(b) is amended to read as follows:

6       "(b) The board, upon sufficient proof, may revoke, suspend, reprimand,  
7 place on probation, refuse to renew, or refuse to issue the permit or  
8 certificate of competency of any holder or person for cause or willful  
9 violation of any of the laws or rules and regulations as promulgated by the  
10 board after due notice, provided that all persons shall be entitled to a  
11 hearing before the board to show cause why the permit or certificate of  
12 competency should not be revoked. Any person whose certificate of competency  
13 has been temporarily suspended by the director or an inspector of the board  
14 shall be entitled to a hearing before the board at its next meeting to show  
15 cause why the certificate of competency should not be permanently revoked. No  
16 person whose permit or certificate of competency is suspended temporarily or  
17 permanently revoked hereunder shall engage in any phase of the liquefied  
18 petroleum gas business until authorized to do so by order of the board."  
19

20       SECTION 10. Arkansas Code 15-75-321(d) is amended to read as follows:

21       "(d) All action taken by the board pursuant to this section is subject  
22 to judicial review by the Circuit Court of Pulaski County as provided for in  
23 the Arkansas Administrative Procedures Act §25-15-201, et seq."  
24

25       SECTION 11. Subchapter 3 of Chapter 75 of Title 15 of the Arkansas Code  
26 is amended by inserting an additional section at the end thereof to read as  
27 follows:

28       "§15-75-323. Civil Penalty.

29       (a) In addition to any other penalty provided in this chapter, any  
30 person who violates any provision of this chapter, or any rule or regulation  
31 pertaining thereto, shall pay to the board a civil penalty of not more than  
32 five thousand dollars (\$5,000) for each offense.

33       (b) If a person against whom a civil penalty has been imposed by the  
34 board fails to pay such penalty, the board may file an action in the Circuit  
35 Court of Pulaski County to collect such civil penalty.

1           (c) *If the board prevails in the action, the defendant shall be*  
2 *directed to pay, in addition to the civil penalty reasonable attorneys\_ fees*  
3 *and costs incurred by the board in prosecuting the action."*

4

5           SECTION 12. All provisions of this act of a general and permanent  
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
7 Code Revision Commission shall incorporate the same in the Code.

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9           SECTION 13. If any provision of this act or the application thereof to  
10 any person or circumstance is held invalid, such invalidity shall not affect  
11 other provisions or applications of the act which can be given effect without  
12 the invalid provision or application, and to this end the provisions of this  
13 act are declared to be severable.

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15           SECTION 14. All laws and parts of laws in conflict with this act are  
16 hereby repealed.

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*/s/Beebe*

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APPROVED: 2-28-95

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