

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

A Bill

SENATE BILL 100

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 15, CHAPTER 75, SUBCHAPTER 3
9 RELATING TO PERMITS FOR THE SALE, STORAGE, AND
10 TRANSPORTATION OF LIQUEFIED PETROLEUM GAS; AND FOR OTHER
11 PURPOSES."

Subtitle

14 "TO AMEND TITLE 15, CHAPTER 75,
15 SUBCHAPTER 3 RELATING TO PERMITS FOR
16 SALE, STORAGE, AND TRANSPORTATION OF
17 LIQUEFIED PETROLEUM GAS."

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

21 SECTION 1. Arkansas Code 15-75-308(b) is amended to read as follows:

22 "(b) The applicant for a class two permit:

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

- | | |
|------------------------------------|---------------|
| 24 (A) Manufacturers' and Contrac- | Each Person |
| 25 \$250,000 | |
| 26 tors' Bodily Injury Lia- | Each Accident |
| 27 500,000 | |
| 28 bility Insurance | |
| 29 (B) Manufacturers' and Contrac- | Each Accident |
| 30 \$250,000 | |
| 31 tors' Property Damage | Aggregate |
| 32 500,000 | |
| 33 Liability Insurance | |
| 34 (C) Products Bodily Injury | Each Person |
| 35 \$250,000 | |

1 Liability Insurance Each Accident
2 500,000
3 Aggregate
4 500,000
5 (D) Products Property Damage Each Accident
6 \$250,000 Liability Insurance Aggregate
7 500,000

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

10 (3) Must provide full-time employment of qualified personnel
11 whose competency shall be proven through a current written or oral
12 examination;

13 (4) Must comply with all other applicable requirements for class
14 two applicants."

15

16 SECTION 2. Arkansas Code 15-75-309 is amended to read as follows:

17 "15-75-309. Class three permit

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

19 (1) *May fill, sell and deliver ICC/DOT cylinders & ASME motor*
20 *fuel cylinders only;*

21 (2) *May establish cylinder exchange stations, deliver filled*
22 *cylinders to ICC/DOT cylinder and ASME cylinder exchange stations and service*
23 *cylinders throughout the state;*

24 (3) Must pay an annual permit fee in the sum of one hundred
25 dollars (\$100.00);

26 (4) Must provide liquefied petroleum gas for the cylinders by
27 the following method:

28 (i) Furnish a storage container to be located in Arkansas,
29 with a capacity of not less than one thousand (1,000) gallons, unless the
30 board authorizes a smaller container, in connection with the proper type
31 filling facilities;

32 (ii) *Cylinders (not to exceed thirty (30) gallons) must be*
33 *filled by weight or other approved method only at cylinder filling facilities*
34 *approved by the Liquefied Petroleum Gas Board;*

35 (b) The storage container furnished by the class three permit must be

1 inspected and approved by the Liquefied Petroleum Gas Board prior to its
2 first use in the class three operation and once annually thereafter.

3 (c) When any cylinder exchange station location changes status from
4 active to inactive or inactive to active the class three permit holder must
5 notify the Liquefied Petroleum Gas Board within thirty (30) days after the
6 change of status.

7 (d) *The applicant for a class three permit:*

8 (1) *Must furnish evidence of the following insurance:*

9	(A) <i>Manufacturers_ and Contractors_</i>	<i>Each Person</i>	<i>\$500,000</i>
10	<i>Bodily Injury Liability Insurance</i>	<i>Each Accident</i>	<i>\$500,000</i>
11	(B) <i>Manufacturers_ and Contractors_</i>	<i>Each Accident</i>	<i>\$500,000</i>
12	<i>Property Damage Liability Insurance</i>	<i>Aggregate</i>	<i>\$500,000</i>
13	(C) <i>Products Bodily Injury</i>	<i>Each Person</i>	<i>\$500,000</i>
14	<i>Liability Insurance</i>	<i>Each Accident</i>	<i>\$500,000</i>
15		<i>Aggregate</i>	<i>\$500,000</i>
16	(D) <i>Products Property Damage</i>	<i>Each Accident</i>	<i>\$500,000</i>
17	<i>Liability Insurance</i>	<i>Aggregate</i>	<i>\$500,000</i>

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

20 (3) *Must provide a certified or notarized financial statement which*
21 *has been compiled within the past sixty (60) days; and*

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

23

24 SECTION 3. Arkansas 15-75-311 is amended to read as follows:

25 "(a) The holder of a class five permit:

26 (1) May deliver liquefied petroleum gas to or for class one
27 dealers, but shall not retail liquefied petroleum gas or sell or install
28 liquefied petroleum gas containers or systems;

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

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31 (3) May deliver liquefied petroleum gas to class three dealers
32 engaged in cylinder exchange, delivery or service if the class three permit
33 holder has installed an approved storage container with a minimum capacity of
34 six thousand (6,000) gallons;

35 (4) Must notify the Liquefied Petroleum Gas Board prior to the

1 first delivery of liquefied petroleum gas to a class three permit holder, to
2 ensure that proper inspection of cylinder exchange filling facilities has
3 been performed, and no delivery may be made until the facility has been
4 inspected and approved by the board and the notice transmitted to the board;
5 and

6 (5) Must pay an annual permit fee in the sum of two hundred
7 dollars (\$200).

8 ***(b) An applicant for a class five permit:***

9 ***(1) Must furnish evidence of the following insurance:***

10 <i>(A) Automobile Bodily Injury</i>	<i>Each Person</i>	<i>\$500,000</i>
11 <i>Liability Insurance</i>	<i>Each Accident</i>	<i>\$500,000</i>
12 <i>(B) Automobile Property Damage</i>	<i>Each Accident</i>	<i>\$500,000</i>
13 <i>Liability Insurance</i>		

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

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

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

19

20 SECTION 4. All provisions of this act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the Code.

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24 SECTION 5. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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

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33 SECTION 7. EMERGENCY. It is hereby found and determined by the
34 General Assembly that certain provisions in the Arkansas Code regulating
35 Class 2, Class 3, and Class 5 dealers in liquefied petroleum gas are obsolete

1 and overly burdensome, and that the same should be amended as soon as
2 possible to make those laws more equitable. Therefore, an emergency is
3 hereby declared to exist, and this act being immediately necessary for the
4 preservation of the public peace, health, and safety shall be in full force
5 and effect from and after its passage and approval.

6 */s/Beebe*

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