

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

A Bill

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

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

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

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

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

1 training course as prescribed by the board must do so within one (1) year of
2 transfer date of employment or their certification certificate will be
3 suspended until course has been completed."
4

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

7 "(1) applicants for a Class 1 permit must attend a forty (40) hour
8 basic course in LP Gas as prescribed by the board prior to the board meeting
9 at which their application may be heard. All owners, managers or officials
10 and employees connected to or listed on the Class 1 application must attend
11 the basic training course prior to the board meeting at which their
12 application may be heard."
13

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

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

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

18	(A) Manufacturers' and Contrac-	Each Person
19	\$500,000	
20	tors' Bodily Injury Liability Insurance	Each Accident
21	500,000	

22	(B) Manufacturers' and Contrac-	Each Accident
23	\$500,000	
24	tors' Property Damage Liability Insurance	Aggregate
25	500,000	

26	(C) Products Bodily Injury	Each Person
27	\$500,000	
28	Liability Insurance	Each Accident
29	500,000	

30		Aggregate
31	500,000	

32	(D) Products Property Damage	Each Person
33	\$500,000	
34	Liability Insurance	Aggregate
35	500,000	

1 (E) Automobile Bodily Injury Each Person
2 \$500,000
3 Liability Insurance Each Accident
4 500,000
5 (F) Automobile Property Damage Each Accident
6 \$500,000
7 Liability Insurance

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

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

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

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

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

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

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

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

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

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

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

4	(A) Automobile Bodily Injury	Each Person	\$500,000
5	Liability Insurance	Each Accident	500,000
6	(B) Automobile Property Damage	Each Accident	\$500,000
7	Liability Insurance		

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

10 (A) Name of liquefied petroleum gas tank manufacturer;
11 (B) Code under which constructed;
12 (C) Design working pressure and water capacity;
13 (D) Relief valve setting;
14 (E) Tank manufacturer's serial number;
15 (F) Type and size of fuel tanks;
16 (G) Number, type, and size of fire extinguishers;
17 (H) Manufacturer's data sheet for each container, including
18 fuel tanks; and

19 (3) Must comply with all other applicable requirements."
20

21 SECTION 6. Arkansas Code 15-75-313 is amended to read as follows:

22 "§ 15-75-313. Class seven permit.

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

24 (1) May operate liquefied petroleum gas service stations;

25 (2) May sell liquefied petroleum gas to operators of mobile
26 equipment only;

27 (3) May not sell or install any type container or appliance;

28 (4) May not fill any type container except those permanently
29 mounted on mobile equipment;

30 (5) Must provide storage and dispensing facilities suitable to
31 the Liquefied Petroleum Gas Board;

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

33	(A) Manufacturers' and Contrac-	Each Person	\$500,000
34	tors' Bodily Injury Liability Insurance	Each Accident	500,000
35	(B) Manufacturers' and Contrac-	Each Accident	\$500,000

1	tors' Property Damage Liability Insurance	Aggregate	500,000
2	(C) Products Bodily Injury	Each Person	\$500,000
3	Liability Insurance	Each Accident	500,000
4		Aggregate	500,000
5	(D) Products Property Damage	Each Accident	\$500,000
6	Liability Insurance	Aggregate	500,000
7	or		
8	Garage Liability Bodily Liability Insurance	Each Person	500,000
9		Each Accident	500,000
10	or		
11	Garage Liability Property Damage Liability	Each Accident	500,000
12	Insurance		

13 (7) Must pay an annual permit fee in the sum of one hundred
 14 dollars (\$100).

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

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18 SECTION 7. Arkansas Code 15-75-315 is amended to read as 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 Contrac-	Each Person	\$500,000
25	tors' Bodily Injury Liability Insurance	Each Accident	500,000
26	(B) Manufacturers' and Contrac-	Each Accident	\$500,000
27	tors' Property Damage Liability Insurance	Aggregate	500,000
28	(C) Products Bodily Injury	Each Person	\$500,000
29	Liability Insurance	Each Accident	500,000
30		Aggregate	500,000
31	(D) Products Property Damage	Each Accident	\$500,000
32	Liability Insurance	Aggregate	500,000

33 (3) Shall submit, for approval by the director, blueprints and
 34 specifications in duplicate for each type of container before any liquefied
 35 petroleum gas containers are shipped into the state. All fittings and the

1 manufacturer thereof shall be listed, and no variation from prints submitted
2 will be permitted until the variations from the plans submitted have received
3 approval by the director;

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

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

13 (i) Containers of fifty (50) water gallon capacity or less
14\$5.00

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

17 (iii) Over one hundred twenty (120) water gallon through
18 five hundred (500) gallon capacity\$20.00

19 (iv) Over five hundred (500) water gallon through two
20 thousand (2,000) gallon capacity\$20.00

21 (v) Over two thousand (2,000) water gallon capacity
22\$25.00

23 (vi) Fuel containers used on mobile equipment such as
24 automobiles, tractors, and trucks\$5.00

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

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

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

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

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

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

5 "(b) Applicants for class ten permits:

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

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

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

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

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

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

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

19 "(b) The board, upon sufficient proof, may revoke, suspend, reprimand,
20 place on probation, refuse to renew, or refuse to issue the permit or
21 certificate of competency of any holder or person for cause or willful
22 violation of any of the laws or rules and regulations as promulgated by the
23 board after due notice, provided that all persons shall be entitled to a
24 hearing before the board to show cause why the permit or certificate of
25 competency should not be revoked. Any person whose certificate of competency
26 has been temporarily suspended by the director or an inspector of the board
27 shall be entitled to a hearing before the board at its next meeting to show
28 cause why the certificate of competency should not be permanently revoked. No
29 person whose permit or certificate of competency is suspended temporarily or
30 permanently revoked hereunder shall engage in any phase of the liquefied
31 petroleum gas business until authorized to do so by order of the board."

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

34 "(d) All action taken by the board pursuant to this section is subject
35 to judicial review by the Circuit Court of Pulaski County as provided for in

1 *the Arkansas Administrative Procedures Act §25-15-201, et seq."*

2

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

6 "*§15-75-323. Civil Penalty.*

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

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

14 *(c) If the board prevails in the action, the defendant shall be*
15 *directed to pay, in addition to the civil penalty reasonable attorneys_ fees*
16 *and costs incurred by the board in prosecuting the action."*

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18 SECTION 12. *All provisions of this act of a general and permanent*
19 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*
20 *Code Revision Commission shall incorporate the same in the Code.*

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22 SECTION 13. *If any provision of this act or the application thereof to*
23 *any person or circumstance is held invalid, such invalidity shall not affect*
24 *other provisions or applications of the act which can be given effect without*
25 *the invalid provision or application, and to this end the provisions of this*
26 *act are declared to be severable.*

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28 SECTION 14. *All laws and parts of laws in conflict with this act are*
29 *hereby repealed.*

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/s/Beebe

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