

Chapter 1. ADMINISTRATIVE RULES OF PROCEDURE

Section

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420:1-1-1. Purpose

The purpose of the Chapter following is to list the Administrative Rules of Procedure for the Oklahoma Liquefied Petroleum Gas Board.

420:1-1-2. Organization

The Liquefied Petroleum Gas Administration shall consist of State Liquefied Petroleum Gas Administrator, Chief Deputy Administrator, Safety Code Enforcement Officers, other staff members and the Oklahoma Liquefied Petroleum Gas Board, whose operations and duties shall be those set forth in Oklahoma Statute Title 52 O.S. 420.1 et. seq.

420:1-1-3. Location, office hours

(a) Any member of the public may obtain information or make submissions and requests to the Oklahoma Liquefied Petroleum Gas Administration, 3815 N. Santa Fe, Suite 117, Oklahoma City, Oklahoma, 73118. Office hours from 7:30 a.m. to 4:30 p.m., Monday through Friday, except for holidays legally declared by the State of Oklahoma.

(b) Any person seeking information, making submissions or requests shall contact the Administrator who shall act in behalf of the Administration.

420:1-1-4. Public inspection of policies and rules

(a) All rules and other written statements of policy or interpretations formulated, or adopted by the Administration in the discharge of its functions shall be available for public inspection during normal business hours at the office of the LP Gas Administration.

(b) All orders and decisions will be made available for public inspection within a reasonable period following order or decision.

420:1-1-5. Procedure for requesting promulgation, amendment or repeal of a rule

Any request for promulgation, amendment or repeal of a rule by a person shall be by petition, said petition must specify the rule to be promulgated, amended or repealed, indication why such a rule change would be in the interest of those involved. Such petition shall bear the signatures of no less than twenty-five registrants, with no more than forty (40%) percent from any one category of registrants. Such petitions shall be filed with the Administration office at least 30 days prior to the scheduled quarterly LP Gas Board meeting, and must be placed upon said Board's Agenda for consideration without delay.

**Chapter 10. LIQUIFIED PETROLEUM GAS ADMINISTRATION****Section**

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**420:10-1-1. Purpose**

The public policy of this State, as declared by the Legislature, requires that all persons, firms, corporations, associations and other legal entities that engage in the manufacture, fabrication and assembly, or sale of LP Gas appliances or in the sale of LP Gas or in the transportation of the same over the highways of the State of Oklahoma shall not engage in such business unless they have first secured a permit as required by the laws of the State of Oklahoma and the rules and regulations adopted pursuant to such laws. The rules of this chapter are intended to implement the policy and carry out the Board's statutory duty of regulation in the interest of public safety.

**420:10-1-2. Compliance with laws and regulations**

(a) In case of any doubt as to the meaning of any language of the rules of this chapter, such construction shall be adopted which is consistent with the Constitution and the laws of the State of Oklahoma and the general public policy as enunciated by the Legislature providing for the regulation of such activities in the interest of public safety. All prior rules and regulations pertaining to the acts and services connected with the LP Gas industry which have heretofore been adopted by the Board or the Administrator are hereby superseded and revoked.

(b) All persons, firms, corporations, associations or other legal entities required to secure licenses or permits under the laws of the State of Oklahoma and the rules of this chapter shall conduct their operations in accordance with all the applicable laws of the State of Oklahoma and the rules and regulations adopted in this chapter. All permits which have heretofore been

issued or which may hereafter be issued by the Board or the Administrator are subject to the applicable provisions of the law and this chapter as fully as if those laws and these rules were specifically in force and effect at the time such permits were issued.

**420:10-1-3. Definitions**

All words, phrases, and terms used in this chapter shall have the same general meaning as contained in Title 52 O.S., Section 420.1 et seq., in so far as the same are defined in said act. Where no specific definition is provided in the act, the words, phrases, and terms used in this chapter shall have the same general meaning that they are commonly understood to have and as they are used in the industry, unless a specific definition of word, phrase, or term is used within the rules of this chapter. The following words or terms, when used in this chapter, shall have the following meaning:

**"Act"** means Title 52 O.S., Sections 420.1 through 420.17.

**"Administrator"** means the State Liquefied Petroleum Gas Administrator as created by 52 O.S., 1971, Section 420.2 or in event of vacancy in office of the Administrator, or in the event of his absence or disability as provided in 52 O.S. 1971, Section 420.2.

**"Board"** means the Oklahoma Liquefied Petroleum Gas Board created by 52 O.S., 1971, Section 420.3.

**"Employee"** means person for whom services are performed and who has the right to control and direct the individual who performs services, not only as to the result to be accomplished by the work, but also as to details and means by which the result is accomplished. An individual's status as an employee may be further evidenced by employee payroll

deductions, withholding of state and federal income tax, social security or workmans compensation. "Person," unless otherwise indicated, means individuals, corporations, partnerships, cooperatives or other entities.

#### **420:10-1-4. Gender and number references in rules**

Reference to the singular in this chapter shall include the term plural. Reference to masculine in this chapter shall include the term feminine.

#### **420:10-1-5. Permits**

- (a) **Permits required.** No person, firm, corporation, association or other entity shall engage in the manufacturing, assembling, fabrication, installing or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus or appliance without having first obtained a permit to do so as provided in this section.
- (b) **Permit classifications.** The permits required for engaging in business shall be divided into the following classifications:
- (1) **Class I - Dealer permit.** The Class I Dealer Permit permits the holder to engage in any phase of the LP Gas business. A Class X Manager's permit must be secured for the person actually in charge of an LP Gas operation at each separate branch or base of operation of a Class I permit holder. The initial permit fee for a Class I is One Thousand Dollars (\$1,000.00). The annual fee for the Class I permit is Four Hundred Dollars (\$400.00).
- (A) Class I holder can go on inactive status, but will have to meet all the requirements of the permit, including paying the renewal fee, and having proper insurance requirements filed with the Administrator, before going back on active status. If requirements are not met the permit will then be revoked. All Class I holders, active and inactive, are required to pay the annual renewal fee.
- (B) Applicant must furnish to the Board, evidence of the following insurance:
- (i) A minimum of \$1,000,000.00 general liability insurance, as per 420:10-1-18;
- (ii) Worker's Compensation insurance shall be required as per state requirements;
- (iii) Motor vehicle insurance must meet State and Federal requirements.
- (C) Brokers/wholesalers selling LP Gas to anyone other than Class I permit holders or refinery/gas processing type facilities shall obtain a Class I permit and meet the requirements thereof, except for minimum storage and metering, when said sales are by transport bulkhead to bulkhead.
- (D) Before testing for a Class I permit, an applicant must meet the following requirements as approved by the Board:
- (i) Five (5) years experience as an active Class X Manager or equivalent; and
- (ii) Forty (40) hours of specified training.
- (2) **Class II - Truck Transporter permit.** The Class II transporter Permit permits the holder to transport LP Gas as a common carrier or private carrier to another of the following: a person, firm, or corporation engaged in the production or manufacture of LP Gas

and/or selling or reselling LP Gas to transporters, industrial consumers, processors, distributors, retailers, and/or to holders of Class I, III, or VI permits. A Class II permit shall not authorize the resale of LP Gas to an end-user. A Class II permit shall not be a substitute where a Class I is needed. A transport must meet all CFR 49 requirements. The initial permit fee for a Class II is One Thousand Dollars (\$1,000.00). The annual fee for a Class II permit is Four Hundred Dollars (\$400.00).

#### **(3) Class III - DOT Cylinder Transporter Permit.**

The Class III DOT Cylinder Transporter Permit permits the holder to operate DOT cylinder filling station and cylinder delivery service. The annual fee for a Class III permit is One Hundred Fifty Dollars (\$150.00).

#### **(4) Class IV - Installer permit.**

(A) The Class IV Installer Permit permits the holder to install and service LP Gas systems, appliances, and other LP Gas equipment. The applicant is required to have immediate supervision for two (2) weeks with a Class IV, IV-D, Class X, or a person licensed by Oklahoma Construction Industries with a Mechanical License, and then shall be required to pass a written examination for each separate endorsement. The endorsements will be as follows:

(i) LP, Low Pressure systems covered by NFPA 54;

(ii) HP, High Pressure systems covered by NFPA 58;

(iii) RV, Recreational Vehicle systems covered by NFPA 1192;

(iv) MC, Meter Calibration systems covered by NIST Handbook 44;

(v) TI, Truck Inspections and Piping covered by NFPA 58 and CFR 49;

(vi) DO, Dispenser Operator for Class IV permit holders that also dispense propane.

(B) Exception from two (2) week training period would be anyone already licensed by Oklahoma Construction Industries Board with a Mechanical License. If the supervising person determines that the new applicant is properly trained, proper documentation of the training is on file, and a Class IV application has been forwarded to the LP Gas Administration, the applicant at that time may begin performing the duties of a Class IV permit holder until such time as the test is administered and the permit issued. This time shall not exceed thirty (30) days or the applicant shall cease to perform these duties. Current Class IV's, as of September 1, 1994, are not required to take a written exam. Upon renewal, endorsements will be based on services provided as authorized by the Administrator. The annual fee for a Class IV permit with one (1) endorsement is Seventy Dollars (\$70.00). Each separate endorsement is Ten Dollars (\$10.00).

(C) Class IV permit does not permit the holder to install or service LP-Gas carburetion systems.

(D) Any installer not under the personal and direct supervision of a Class X holder at the immediate time and location of installation shall be required to have a Class IV or IV-D permit.

#### **(5) Class IV-D - Driver/Installer Permit.**

(A) The Class IV-D Driver/Installer Permit permits the holder to deliver LP Gas by bobtail and install and service LP Gas systems, appliance, and other LP Gas equipment. Class IV-D permit can only be issued under a Class I permit. New applicants must be under immediate supervision from a current Class IV-D, or Class X while in a minimum of a two (2) week training

period before testing. Permit holder shall be required to pass a written examination. The tests shall be given according to current policies of the LP Gas Administration. If the supervising Class X determines that the new applicant is properly trained, proper documentation of the training is on file, and a Class IV-D application has been forwarded to the LP Gas Administration, the applicant at that time may begin performing the duties of a Class IV-D permit holder until such time as the test is administered and the permit issued. This time shall not exceed thirty (30) days or the applicant shall cease to perform these duties. Current Class IV permit holders, as of September 1, 1994, properly trained in delivery of LP Gas will not be required to take the test and will be issued a IV-D permit. The annual fee for a Class IV-D is Fifty Dollars (\$50.00).

(B) Class IV-D permit does not permit the holder to install or service LP Gas carburetion systems.

(C) Any installer not under the personal and direct supervision of a Class X holder at the immediate time and location of installation shall be required to have a Class IV or IV-D permit.

**(6) Class VI - DOT Cylinder &/or LP Gas Motor Fuel Station Operator Permit.**

(A) The Class VI DOT Cylinder and/or LP Gas Motor Fuel Station Operator Permit permits the holder to operate DOT cylinder charging station and/or a motor fuel dispenser for public resale. Applicant shall be required to pass an approved written examination for each separate endorsement depending upon the type of LP Gas motor fuel dispenser to be installed. The endorsements will be as follows:

(i) AAG, This Attended Autogas "AAG" endorsement permits the holder to operate LP Gas dispenser stations that fill DOT cylinders and/or Attended LP Gas motor fuel refueling dispensers for resale.

(ii) UAG, This Unattended Autogas "UAG" endorsement permits the holder to operate Unattended self-service LP Gas motor fuel dispenser stations; however, these installations require more stringent regulations than those that are attended. In addition to the requirements in this section, the permit holder shall be required to install equipment that meets or exceeds the minimum installation and performance standards described in OAC Section 420:10-1-14(28). For the purpose of defraying the cost and expenses of administering and enforcing this rule, persons, firms and corporations shall pay at the time of initial inspection a fee of Three Hundred Dollars (\$300.00) for each unattended LP Gas motor fuel dispenser station. Thereafter, the annual inspection fee is One Hundred Fifty Dollars (\$150.00) for each unattended LP Gas motor fuel dispenser station.

(B) Examination shall be administered by a Safety Code Enforcement Officer, or by a Class X Manager. In either case, the test fee for the Class VI permit is Ten Dollars (\$10.00). Permit holder is responsible for the safety of the dispensing operation and training and safety of the employees dispensing LP Gas. Class VI locations may not become operational until a permit has been issued. A permit will not be issued until the proper fee has been paid and certificate of insurance is received by the LP Gas Administration. The annual fee for a Class VI permit is One Hundred Dollars (\$100.00).

**(7) Class VI-A - LP Gas Dispensing Permit.** All employees involved in dispensing LP Gas must acquire a Class VI-A permit, except a Class IV, Class IV-D, Class VI, and Class X. Class VI-A applicants must be properly trained by a Class VI or Class X on proper filling of ASME tanks and DOT cylinders, and inspection thereof per NFPA 58. Applicants shall be required to pass an approved written examination.

Test shall be administered by a Safety Code Enforcement Officer, or by Class X manager. In either case, the test fee for the Class VI-A permit is Ten Dollars (\$10.00). Holder must carry permit and attend the annual safety school once every year. This does not prohibit any person, firm or corporation from filling his own equipment from his own supply line, or dispensing motor fuel from an approved limited access self-service dispenser. The annual fee for a Class VI-A permit is Twenty-five Dollars (\$25.00).

**(8) Class VII - Cylinder Exchange Program Permit.**

The Class VII Cylinder Exchange Program Permit permits the holder to participate in the cylinder exchange program. A permit is required for each cylinder exchange location. Class VII locations may not become operational until a permit has been issued. Permits will not be issued until the proper fee has been paid and certificate of insurance is received by the LP Gas Administration. The annual fee for a Class VII permit is Fifty Dollars (\$50.00).

**(9) Class IX - LP Gas Container Sales Permit.**

The Class IX Gas Container Sales Permit permits the holder to manufacture and/or sell LP Gas containers. This permit is required by both wholesalers and retailer. The annual fee for a Class IX permit is Seventy Dollars (\$70.00).

**(10) Class IX-A - Mobile Homes and Recreation Sales Permit.**

(A) The Class IX-A Mobile Homes and Recreation Sales Permit permits the holder to manufacture, fabricate and sell all LP Gas facilities or systems used in mobile homes, campers, recreational vehicles and portable buildings whether such LP Gas system is manufacture, fabricated or sold separately or as an integral part of such trailer, camper, recreational vehicle or portable building. The annual fee for a Class IX-A is Seventy Dollars (\$70.00).

(B) This shall not be construed to require a permit for a sale by the owner of a mobile home or recreational vehicle who is not engaged in such business on a commercial basis and does not make over two such sales in one year.

**(11) Class X - Manager's Permit.**

(A) A Class X Manager's permit is required for a person actively in charge of LP Gas operation for holder of Class I permit and at each separate branch or base of operation of a Class I permit. All Class X holders must be a full-time employee of said Class I holder. The annual fee for a Class X permit is One Hundred Fifty Dollars (\$150.00).

(B) Before testing for a Class X permit, an applicant must meet the following requirements as approved by the Board:

(i) Hold an active Class IV or Class IV-D permit and employed under an active Class I Dealer for a minimum of three (3) years or equivalent; and  
(ii) One (1) year of the minimum three (3) years required experience can be satisfied with forty (40) hours of specified training.

(C) Temporary exemptions for emergency conditions can be granted by the Administrator.

(12) **Additional permits required for employees of Class I dealers.** Class IV, IV-D, VI-A, and X permits are the only additional permits that may be required for the employees of a Class I dealer, or as may be required by future Board action.

(13) **Truck, Trailer or Cargo Tank inspections.** For the purpose of defraying the cost and expenses of administering and enforcing this act, persons, firms and corporations shall also pay at the time of inspection an annual inspection fee of One Hundred Fifty Dollars (\$150.00) for each LP Gas truck, trailer or cargo tank belonging to a person who holds a permit authorizing the use of such truck, trailer or cargo tank and One Hundred Fifty Dollars (\$150.00) for each such truck, trailer or cargo tank belonging to a person who does not hold a permit. All requirements imposed subsequent to these inspections must be met within thirty (30) days of the initial inspection. Failure to comply will necessitate a re-inspection at a charge of One Hundred Fifty Dollars (\$150.00) for each inspection. The inspection fee shall increase to Three Hundred Dollars (\$300.00) per vehicle if said inspection is not completed within sixty (60) days of the expiration date, or at the discretion of the Administrator.

(14) **Containers or cylinders.** There is hereby levied the following fee, to be paid to the Administrator, upon all first sales, purchases, rentals or uses in this state of liquefied petroleum gas containers or cylinders; on all Department of Transportation (DOT) cylinders, vehicle fuel containers, a fee of Three Dollars (\$3.00) each, and on all other containers, a fee of Ten Dollars (\$10.00) each.

#### **420:10-1-6. Application for certificate or permit**

(a) **Filing fee.** Application for any new permit under the rules of this chapter shall be filed with the Administrator on written forms to be prescribed by the Board or Administrator and shall be accompanied with a filing fee in cash, cashiers check or money order in the amount of Ten Dollars (\$10.00) for each permit.

(b) **Examination.** Before any permit shall be issued, except those which may be specifically exempt from requirement for examination by the statutes, or by this chapter the applicant shall be required to pass a necessary written examination to satisfy the Board or Administrator that the applicant possesses the necessary technical knowledge and qualifications so as to safely deal with the product, commodity or render the services authorized by the permit. All examination fees are Ten Dollars (\$10.00), except Class I (\$55.00) and Class X (\$55.00).

(c) **Exception to acquiring Class I through examination.** An applicant for a Class I Dealers Permit may purchase a Class I permit from its present owner, as per O.S. Title 52, but must meet the following conditions:

- (1) Only Active Class I Dealer Permits are transferable. An Inactive Class I Dealer Permit is not transferable;
- (2) Pay a Class I Transfer Fee of Five Thousand Dollars (\$5,000.00);
- (3) A Class X Manager's permit must be in place, before the transfer, for the person actually in charge of the LP gas operation at each separate branch or base of operation of the Class I permit holder;

(4) Have on file with the LP Gas Administration the required Class I insurance requirements as per 420:10-1-18.

(d) **Other requirements.**

(1) The mere filing of an application for a permit does not of itself authorize the engaging of any of the operations sought in said application. Such operations are prohibited except pursuant to an order of the Board or Administrator issuing such permit and only after the applicant has satisfied the Board or Administrator as to its qualifications and fitness by a written examination, when required, and filing of all the necessary insurance and meeting other requirements of the statutes and of this chapter.

(2) Any person, firm or corporation to whom a permit is issued shall commence operation within 90 days from the date of issuance of such permit, unless this time be extended by the authority issuing the permit for good cause.

#### **420:10-1-7. Contents of application**

The application shall be verified, and shall contain the following information, together with any additional information that the Board or the Administrator may require:

(1) **Name and Address.** The application shall contain name of applicant, form of organization, if other than an individual, and principal business address, which shall be the registered address for the purpose of serving all notices under the rules of this chapter and the address of all places and locations that the applicant proposes to engage in the business of manufacturing, fabricating, selling or assembling LP Gas appliances or the transportation or sale of LP Gas including bulk storage locations.

(2) **Physical property.** The application shall contain a description of the physical properties that the applicant for a Class I permit has for engaging in such business, whether owned or leased, and a description of all storage, manufacturing, assembling, fabrication equipment and facilities presently owned and which he intends to use.

(3) **Type of service.** The application shall set forth specifically the type of service the applicant intends to perform and the type of a permit that the applicant seeks to secure.

(4) **Supervisor.** If the applicant for a Class I Permit is other than an individual the application shall designate some specific individual, as the Class X permit holder, who as an employee of the applicant shall have the responsibility for supervising and directing the operation of the business, at each separate branch and base of operation, and who shall submit himself for the required written examination and show himself to be technically qualified to engage in the handling of LP Gas appliances, products or the sale of LP Gas, in compliance with the laws of the State of Oklahoma.

(5) **Qualifications.** The application for a Class I permit shall set forth the general education qualifications, and background, of the applicant. The same information shall be set forth concerning the person designated as the responsible Class X Manager or Managers for the operations of the business.

(6) **Legal entities.**

(A) The corporation must include in the Class I application a complete list of officers and directors,

state of and date of incorporation, or if foreign corporation, date of domestication in Oklahoma.

(B) Partnerships must include in the Class I application a complete list of partners involved, regardless of how the ownership has been established.

(C) Associations of any sort must describe in Class I application the nature of association and give a complete list of directors or officers and members.

(D) Any other non-personal legal entity must describe in the application the nature of their business and legal structure.

#### **420:10-1-8. Processing and handling of applications and examinations**

(a) **Scheduling.** Upon the receipt of an application for a permit for Class I or Class X permit the Board or Administrator shall schedule the applicant provided therein for examination at the next periodic written examination, unless the application be filed less than 30 days prior to the next scheduled written examination.

(b) **Passing score.** A score of 80% correct shall be a passing grade for all examinations.

(c) **Examinations.**

(1) **Class I examination.** Questions for a Class I examination shall be selected at random from a reservoir of questions consisting of no less than 500 questions but no more than 1000 questions. Questions shall be of four-part, multiple choice. Prior to being placed in the reservoir the questions shall be reviewed by the Board. For each examination a total of 150 questions shall be drawn from the reservoir. All applicants sitting at one time shall receive identical examinations. Questions shall be from NFPA pamphlets 58 and 54 and rules and regulations promulgated by the Board. All exams shall be coded in such a manner that identity of the applicant shall be unknown to the grading authority.

(2) **Qualified Managers examination.** Questions for a Class X Qualified Managers Examination shall be selected at random from a reservoir of questions consisting of no less than 500 questions but no more than 1000 questions. Questions shall be of four-part, multiple choice. Prior to being placed in the reservoir the questions shall be reviewed by the Board. For each examination a total of 100 questions shall be drawn from the reservoir. All applicants sitting at one time shall receive identical examinations. Questions shall be from NFPA pamphlets 58 and 54 and rules and regulations promulgated by the Board. All exams shall be coded in such a manner that identity of the applicant shall be unknown to the grading authority.

(3) **Class IV and IV-D examinations.** Class, IV and IV-D examinations consist of standardized examinations. Class IV examinations will consist of 50 questions and Class IV-D exam will consist of 75 questions, each to be prepared by the Administrator.

(4) **Class II, III, VI, VI-A, VII examinations.** Class II, III, VI, VI-A, and VII examinations shall be standard concerning basics of safety and handling of LP Gas. The examination to be prepared by the Administrator.

(d) **Applicant information.**

(1) All applicants for the same type permit sitting at any one time shall receive identical examinations.

(2) All applications and examinations except Class I and Class X shall be scheduled by the Administrator at such times as he may deem appropriate.

(3) Applicants may review their examination papers at the Administration Office within 30 days after examination date.

#### **420:10-1-9. Issuing of certificates of permits**

When an applicant for a permit has passed the written examination, when required, and has satisfied the Board as to all of the legal requirements including insurance, the Board shall issue the license sought upon the following terms and conditions:

(1) **Compliance.** The holder of the permit shall bind himself to comply with all of the laws, rules and regulations applicable to the business and to the permit which he has sought. Class I applicants shall attend an orientation with the Administrator prior to receiving their permit. After one year of business a Class I holder may be required to meet with the Board at the next regular Board meeting to review safety records and history. If not in compliance a 90 day show-cause hearing will be called to possibly revoke the permit. The burden of proof within the 90 days is placed on the permit holder.

(2) **Notification of locations.** Permit holders shall furnish in writing to the Board the list of all places in which the holder(s) intends to engage in the business in the State of Oklahoma. Permits issued under the act and the rules of this chapter shall be personal to the holder thereof and shall only be used and the rights thereunder authorized exercised by him and his duly qualified employees. No holder of a permit issued under the statutes and these rules shall lease, sub-let or permit in any manner the use of said permit or the performance of acts authorized thereunder by any person, other than duly qualified, bona fide employees of the holder of such permit, except as specifically provided in this chapter.

(3) **Record keeping.** Permit holders shall furnish a designated place or places at which all the books and records of the holder of the license shall be kept, including the records of any persons, firms or corporations who act in the name, place and stead of the permit holder in any manner. These records shall be open to inspection at all reasonable business hours by the Administrator or any other employee of the Board and a failure of the holder of the license, or employees, to permit such examination of the books and records shall be cause for suspension or revocation of the license under which such person, firm, or corporation might be operating.

(4) **Branches.** Prior to renewal of any Class I permit, the holder shall provide the Administration a complete list of branches of operations, dispensers, and a list of the Class IV, IV-D, VI-A, and X permit holders for each location, as a part of his renewal application.

(5) **School attendance.** The Class I permit holder must indicate if all personnel have attended the mandatory schools as required by the rules and regulations. Failure to list all employees or fulfill the school attendance requirements of these rules and regulations shall be a cause for suspension or revocation of the license under which such person, firm or corporation might be operating.

(6) **Manager termination.**

(A) When a Class X Manager quits or is otherwise relieved of his duties and his permit is canceled as per 420:10-1-13(c), it shall be the duty of the Class I dealer to immediately notify the Administrator. The Administrator shall authorize interim continuance of

an operation where no undue hazard would result, such authorized interim continuance may be granted for a period not to exceed 120 days. During such interim, it shall be the duty of the Class I permit holder to acquire the services of a qualified manager.

(B) No further continuances beyond 120 days shall be granted without review and approval of the Board, and can in no event be extended more than an additional three months.

(7) **Exceptions.** Except as enumerated in (6) of this subsection and 420:10-1-10 no operation shall be allowed to operate unless a Class I dealer and a Class X Manager acting for the Class I holder is in charge; provided however the Board may extend the time in a situation of extreme hardship in the nature of physical or mental disability or when the convenience and necessity of the public demands, to be determined by the Board after application and hearing.

(8) **Class I and Class X permit issuance.** When a corporation, partnership, association or other non-personal entity seeking a Class I permit has satisfied all legal requirements, the Board shall issue a Class I permit to the non-personal entity, and a Class X permit to the individual designated by the non-personal entity, that submitted himself for the examination.

#### **420:10-1-10. Temporary operation on death of a Class I permit holder**

(a) **Time limit.** Upon the death of a permit holder, the Administrator, upon being advised of such death, may in his discretion, permit the operation of the business by some capable person for a period of not to exceed 120 days. No further continuances beyond 120 days shall be granted without review and approval of the Board, and can in no event be extended more than an additional three months.

(b) **Class X continuance.** If an Executor or Administrator of the estate has employed a Class X permit holder, the Executor or Administrator may continue the operation, during the course of administration of the estate or eighteen (18) months, whichever is shorter, subject to the requirement that at all times a Class X Manager is retained.

#### **420:10-1-11. Change of ownership**

Permits granted under the rules of this chapter and the act shall be personal to the holder thereof and shall not be assigned or transferable. In the event of a change of ownership the new operator shall currently hold a Class I permit or shall secure a Class I prior to change of ownership. Upon change of ownership where the new operator chooses to operate the business as a separate legal entity other than his existing Class I permit then he must meet the requirements of a new Class I permit, except the Class I testing. After change of ownership the new Class I permit holder shall secure minimum storage requirements within one year and meet requirements of 420:10-1-9(1).

#### **420:10-1-12. Assigning or permitting the use of permits prohibited**

Permits issued by the Board or Administrator, shall be personal to the holder thereof. Any plan or scheme whereby the holder of a permit allows the use thereof by any other is prohibited, and the attempt to do so

shall constitute grounds for suspension or revocation of the permit.

#### **420:10-1-13. Responsible employees and managers who shall be required to have technical qualifications and manager's permits**

(a) **Class X requirements.** A qualified manager possessing a Class X permit shall be required to actively supervise the LP Gas related sales and/or service being offered to the public at each separate branch or base of operation of a Class I permit holder which is operated as a relatively independent operation free from the day to day immediate supervision and control of the holder of the Class I permit, or the manager of a non-personal Class I permit holder. A Class X manager shall be considered to be actively supervising if such a manager is present at the separate branch or base of operation at least fifty percent (50%) of the reasonably normal hours of operation of such separate branch or base of operation. If the Administrator approves a request to operate LP gas related sales and/or services offered to the public without the active supervision of a Class X manager, then such request shall be subject to future review by the Administrator in his or her sole discretion. In determining whether such a separate branch or base of operation exists, the Administrator shall consider the following:

(1) The distance of the LP Gas related sales and/or service being provided from the location of the main or central base of operation. In any case where a truck is stationed twenty-five (25) miles or more away from the direct supervision of a Class X managed operation, then the burden of proof is on the Class I permit holder to prove that it is not a separate branch or base of operation and meets all the requirements of the Oklahoma Rules and Regulations.

(2) The type and kind of LP Gas related sales and/or service offered to the public. Sales and/or service to residential customers and public buildings is considered to require more supervision than sales and/or service to industrial, agricultural and motor fuel customers;

(3) Any and all other pertinent information which indicates that a separate branch or base of operation exists.

(b) **Exception hearing.** After a determination has been made by the Board, the Class I permit holder shall be notified of the Board's determination in writing. The Class I permit holder shall then have ten (10) days thereafter to request in writing a hearing before the Board for the purpose of presenting any facts and circumstances which would indicate that a Class X permit holder is not required where the separate LP Gas related sales and/or service is offered. Failure to request such a hearing from the Board by the Class I permit holder shall constitute acquiescence in the Board's determination. If the Board determines that a Class X is needed at the separate branch or base of operation then the Class I permit holder has 120 days or until the next Board meeting to secure a Class X permit holder.

(c) **Class X cancellations.** Class X permits are immediately and without notice canceled when a holder thereof leaves the employment of a Class I permit holder. The Class X permit holder must notify the Board within ninety (90) days of their intent to place the Class X permit on inactive status. The inactive Class X permit holder must attend the

required safety seminar and pay the annual permit renewal. Thereafter, the inactive Class X holder can make application to the Board for issuance of an active Class X permit, upon proof of full-time employment by a Class I permit holder and with Board approval.

#### **420:10-1-14. Standards for the storage and handling of liquefied petroleum gas**

(a) **NFPA standards.** The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association and published in its pamphlets No. 58, and the standards for the installation of gas appliances and gas piping adopted by said National Fire Protection Association published in its pamphlet No. 54 have been adopted by the Legislature in 52 O.S. 1991, Section 402.3 (e) and shall be accepted standards for the State of Oklahoma. All Class I permit holders must have a current copy of NFPA 58 and 54 on file at each separate branch.

(b) **Supplemental standards.** The following standards are supplemental to NFPA pamphlet No. 58 and shall be part of the rules and regulations of the Oklahoma Liquefied Petroleum Gas Board:

(1) **Definitions.**

(A) The word "approved" as used in this section means acceptable to the State Liquefied Petroleum Gas Administrator. A device or system having materials or forms different from those detailed in this section may be examined and tested according to the intent of the regulations and if found equivalent, may be approved.

(B) In this section those provisions which are considered essential for adequate protection of life and property from fire are indicated by the words "shall" and "must". The words "should" or "preferably" indicate advisory provisions concerning which the State Liquefied Petroleum Gas Administrator of Oklahoma should be consulted.

(C) In each place mentioned in NFPA No. 54 and NFPA No. 58 where it refers to "the authority having jurisdiction" this would mean the Liquefied Petroleum Gas Administrator.

(D) An "important building" shall be any building, open to the public, or inhabited by people, in which any LP Gas system or any type is installed.

(2) **Submittal of plans.**

(A) Prior to the installation of new, or the modification of liquefied petroleum gas plumbing systems, excluding tank change outs, in school buildings, churches, courthouses, office building and other building to which the public is invited, such as cafes, dance halls, tourist courts and parks, plans and specifications for such installation in duplicate, shall be submitted to, and approved, by the State Liquefied Petroleum Gas Administrator, and before such systems are filled with liquefied petroleum gas, they shall be physically inspected and approved by a licensed installer and a report made by him to the State Liquefied Petroleum Gas Administrator on LPG Form 4, or its revision, furnished by the LP Gas Administrator's office.

(B) Plans must be submitted and approved on any dispenser used to fill DOT cylinders and/or ASME containers, and used for public resale of LP Gas, including unattended self-service LP Gas motor fuel dispenser stations. These plans must be submitted by a Class I permit holder to the Administration office

along with the proper fee, and an on site inspection must be performed by a Safety Code Enforcement Officer prior to final approval and before the dispenser can be placed into service. A One Hundred Dollar (\$100.00) plan review fee must accompany all dispenser plans submitted. If a dispenser is taken out of service, written notice must be given to the Administration office within seven (7) working days. If a dispenser is moved to a new location, new plans must be submitted to the Administrator and on site inspection performed by a safety code enforcement officer prior to final approval and dispenser being placed into service. A complete list of dispensers by location shall be submitted to the LP Gas Administration as indicated on Class I permit renewal forms.

(C) Plans must be submitted to, and approved, by the Administrator on any fixed installation with individual water capacity of 2,000 gallons or more, or aggregate water capacity exceeding 4,000 gallons.

(3) **Report of accident.** In case of accident or fire at any location where a liquefied petroleum gas system or equipment is involved, or any accident involving liquefied petroleum gas systems or equipment, the dealer owning, operating or servicing the equipment or installation shall notify the State Liquefied Petroleum Gas Administrator. This notification shall be forwarded as soon as feasibly possible after the dealer has knowledge of the accident in order that an inspection may be made by the State Liquefied Petroleum Gas Administrator before the site has been disturbed.

(4) **Piping - including pipe, tubing and fittings.**

(A) No person, firm, or corporation shall connect a liquefied petroleum gas tank to any piping without having first determined that such piping complies with the laws of the State of Oklahoma and the rules and regulations of the State Liquefied Petroleum Gas Administrator relative to liquefied petroleum gas piping.

(B) All installations, installed after July 1, 2002, of storage containers, with more than 4,000 gallon water capacity, shall have internal valves installed as per NFPA 58.

(C) On installations of stationary or portable storage, with an aggregate of more than 4,000 gallon water capacity, a bulkhead approved by the LP Gas Administrator shall be required on each liquid line of one and one-half (1-1/2) inch or larger and each vapor line of one and one-quarter (1-1/4) inch or larger.

(5) **Vaporizers and housings.**

(A) The minimum capacity of the storage container feeding the vaporizer shall not be less than ten (10) times the hourly capacity of the vaporizer in gallons.

(B) The minimum capacity of a storage container being heated by a direct fired tank heater shall not be less than ten (10) times the hourly vaporizing capacity of the tank heater in gallons.

(6) **Container charging.** DOT cylinders with water capacity less than 300 pounds shall be charged by weight, except containers as per NFPA 58.

(7) **Liquid metering systems.** Each bulk retail delivery of liquid LP Gas shall be measured by a suitable LP Gas liquid meter system, except those deliveries of liquid LP Gas in cylinders which are filled by weight and deliveries of LP Gas vapor through vapor meters otherwise, are exempt from the requirements of this paragraph.

(A) LP Gas Liquid meters shall indicate deliveries in terms of gallons and to the nearest tenth of a gallon.

(B) The LP Gas liquid meter shall meet, in addition to the other requirements of this paragraph, the following requirements:

(i) The system shall include a device (such as a differential back-pressure regulator) so designed and installed that the product being measured will remain in a liquid state during passage through the meter.

(ii) No means shall be provided by which any measured liquid can be diverted from the measuring chamber, differential valve equipment or the discharge line therefrom.

(iii) Effective January 1, 1994, in accordance with the National Institute of Standards and Technology (NIST) Handbook 44, all LP Gas Liquid meters used for bulk delivery shall be designed with the necessary equipment for mechanically printing gallons on a delivery ticket and the customer served thereby shall be given a ticket mechanically imprinted by the printing device. The customer's name and Class I Dealer's name must be included on the metered ticket. Meters used for stationary dispensing of motor fuel will not be required to be equipped with such printing device.

(iv) All bulk metered sales of propane, via bobtail or transport, shall be made by temperature compensated measure. Except, any truck now operating without a temperature compensation meter shall be retrofitted by no later than July 1, 2003.

(C) All meters where product is sold to the public must be proved annually by an approved meter tester/inspector and have written certification on file at permit holders place of business. All meters and temperature compensators must be accurate within the manufacturers tolerance not to exceed + or -1% at any time. The LP Gas liquid meter system shall be designed and constructed to provide for applying lead-and-wire seals in such a manner that no modifications or adjustments which would affect the accuracy of deliveries, can be made without mutilating the seal or seals. If a seal is broken, notification must be made to the Administrator and resealed by a Safety Code Enforcement Officer, an approved meter tester, or a person approved by the Administrator. In addition, the Administrator at his discretion may require proving of metering system to determine the accuracy.

(D) No dealer or firm controlled or affiliated with a dealer may calibrate or certify its own meters. All meters must be tested with a volumetric meter prover.

(8) **Qualified personnel.** Each holder of an LP Gas permit shall be responsible for having qualified personnel operating and installing LP Gas equipment.

(9) **Filling unsafe or unapproved dispensing or storage tanks prohibited.** No person, firm, or corporation shall introduce liquefied petroleum gas into a dispensing or storage tank in the State with knowledge that such dispensing or storage tank or piping is known to be in an unsafe operating condition.

(10) **Basement installations.** No appliance shall be installed in any basement or semi-basement unless it is fully automatically controlled and properly vented and must have the approval of the State Liquefied Petroleum Gas Administrator.

(11) **Standards for containers.**

(A) In accordance with 52 O.S. Sec. 420.5, all first sales, rentals, purchases or uses of DOT cylinders

and ASME tanks in this State, must have Oklahoma Identification tags attached to such cylinders or tanks. However, all DOT cylinders and ASME tanks in Oklahoma, with a manufacturers date prior to September 1, 1993, are not required to have Oklahoma Identification tags. These Oklahoma Identification tags are not transferable from one cylinder or tank to another.

(B) Any new container sold or installed in Oklahoma for use in this State shall carry a five year warranty covering workmanship and material. This warranty shall provide that any container not in compliance with this regulation must be repaired or replaced by the fabricator at no expense to the dealer or customer. This provision is to take care of "pin-hole" leaks in the weld that were not detected at the time of fabrication and does not apply to fittings.

(C) Containers shall be filled or used only upon authorization of the fee simple owner. The name of the fee simple owner, if other than the consumer, shall be conspicuously shown on the container.

(D) Any stationary storage container converted from anhydrous ammonia to propane shall be converted as follows:

(i) The container shall be purged of anhydrous ammonia by water flooding, steam or other methods described by the National Propane Gas Association's (NPGA) Recommendation for Prevention of Ammonia Contamination; and

(ii) It shall then be properly purged with propane vapor and tested with the red litmus paper as described in NFPA 58 or by any other test approved by the Board; and

(iii) The test shall be completed by the permit holder that performs the conversion; and

(iv) The results shall be documented and shall contain the container manufacturer, water capacity, serial number, the results of the test, the capacity of the relief valve, the date of the test, and the signature of the permit holder conducting the test. A copy of the results shall be provided to the owner of the container; and

(v) Any dealer filling a converted anhydrous ammonia container for the first time shall either be provided a copy of the test or complete the test as described above; and

(vi) The container shall meet all requirements of NFPA 58.

(12) **Underground containers.**

(A) Underground containers before being reinstalled must be inspected by the State Liquefied Petroleum Gas Administrator, and a fee of \$25.00 paid to the State Liquefied Petroleum Gas Administrator's office, and reinstalled by a licensed LP Gas installer.

(B) Underground containers shall be dug up at the expense of the owner at any time at the discretion of the State Liquefied Petroleum Gas Administrator.

(C) Any person installing an underground container must notify the Administrator prior to installation.

(13) **Minimum storage.** All new Class I permit holders must provide bulk propane storage capacity of not less than an aggregate of 18,000 water gallons. The minimum storage must be maintained and operational with installation approved by the authority having jurisdiction, and within a fifty (50) mile radius of the corporate office or branch location. Any exceptions to the minimum storage requirement may be granted by the Board. Current active Class I

permit holders, as of September 1, 1994, are not required to meet this minimum storage requirement. After a change of ownership the new Class I permit holder must secure the minimum storage requirement within one year.

(14) **Painting.** All bulk storage containers of a capacity 120 gallons water capacity or greater shall be painted a heat reflection color.

(15) **Lettering bulk storage and dispensers.**

(A) All bulk storage 2,000 gallons and above shall be lettered with the name of the contents, such as LP Gas, butane, propane, and a "No Smoking" sign in letters not less than six (6) inches high.

(B) In addition to subparagraph (A) of this paragraph, all bulk storage used for loading and unloading facilities, and all container filling storages (dispensers) shall include the name of the person, firm, or corporation operating the bulk storage or dispenser and their phone number in letters not less than two (2) inches high. This information shall be placed so as to be readily visible to the public.

(C) For all size bulk storage containers the name of the fee simple owners, if other than the consumer, shall be conspicuously shown on the container.

(16) **Extinguishers required.** Extinguishers of the dry chemical type, with a B:C or A:B:C rating, are required. Extinguishers shall have a net content of not less than the current NFPA 58 requirements and shall be inspected at least once each year by an authorized inspector such as Fire Departments or Fire Appliance Company representatives. Current weatherproof inspection tags shall be attached to the extinguisher.

(17) **Marking cargo vehicles.** Every tank vehicle used for transportation of liquefied petroleum gas shall be marked and placarded according to current DOT requirements. Each tank vehicle must also have the name of the person, firm or corporation on each side of the cargo tank in letters a minimum of two (2) inches in height. This information shall be placed so as to be readily visible to the public. This name shall be the same as permit holder has designated on the Class I or Class II permit.

(18) **Parking and garaging LP gas tank vehicles.** Any tank vehicle used for transportation of Liquefied petroleum gas shall not be parked beneath or adjacent to any electric transmission line in such position that there is a possibility of a conductor contacting the tank in event of breakage.

(19) **Filling unapproved truck, trailer or cargo tanks prohibited.**

(A) An inspection form, when properly completed, and a LPG registration decal (the serial number of which is shown on the inspection form), shall be evidence that the liquefied petroleum gas truck, trailer or cargo tank described on the inspection form by its serial number has been approved by the Liquefied Petroleum Gas Administrator for use in the transportation of liquefied petroleum gas. Such LPG registration decal and inspection form also shall authorize the person, firm or corporation whose name appears on the inspection form or its bona fide employees to operate the truck or trailer tank described on the inspection form, and further shall authorize the filling of such truck, trailer or cargo tank with liquefied petroleum gas.

(B) The LPG registration decal shall be displayed at all times in an easily visible location on the left front of the cargo tank, which is on the driver's side. A copy of the inspection form shall be retained, until the

expiration date, in the office of the person, firm or corporation whose name appears thereon. It will not be necessary to keep or display a copy of the inspection form on the truck, trailer or cargo tank.

(C) No person, firm or corporation shall operate a truck, trailer or cargo tank in the transportation of liquefied petroleum gas in this State unless such person, firm or corporation has been issued a LPG registration decal and an inspection form certifying that such tank has been registered with and approved by the State Liquefied Petroleum Gas Administrator, or unless its operation has been specifically approved by a communication from the State Liquefied Petroleum Gas Administrator.

(D) The LPG registration decal and the inspection form required in this paragraph are not transferable by the person, firm or corporation to whom they are issued or from one truck, trailer or cargo tank to another, and they are not to be used after the expiration date of the fiscal year for which they were issued, or in the event the Class I permit becomes inactive.

(20) **Vaporizers.** Exhaust gases shall not be used as a direct means of heat supply for the vaporization of fuel.

(21) **Stationary engines in building.**

(A) All engine rooms shall be well ventilated at the floor level.

(B) When engines are installed below grade level, suitable floor level mechanical exhaust ventilation shall be provided and operated continuously or adequate means shall be provided to purge the room before the engine is started. In any case the mechanical ventilation shall be in operation when the engine is running. Before and during any repairs to the engine the room shall be ventilated.

(C) Automatic fire doors shall be provided at openings in the engine room that open into other sections of the building.

(D) Exhaust gases shall be discharged outside the building in a manner that will not create a fire or any other hazard.

(E) Regulators and pressure relief valves installed in buildings and engine rooms shall be vented to the outside and discharge at least five feet away from any building opening. Such venting will not be required for combination engine fuel vaporizing - fuel reducing - fuel metering devices providing an acceptable automatic shut-off valve is installed immediately ahead of such devices.

(22) **Storage outside of buildings.** Valves and safety relief devices shall be protected against accumulations of ice and snow. Protective caps shall be deemed adequate.

(23) **Appliances.** Any mobile home, travel trailer, camper or recreational vehicle shall be delivered to the buying public by the permit holder with the system properly installed and free of leaks.

(24) **Maximum vapor pressure and container working pressure.**

(A) The maximum vapor pressure of the product at 100 degree Fahrenheit which may be transferred to a container shall not exceed the design working pressure of the container. Exception: 200 psig ASME working pressure vessels in LP Gas service in Oklahoma prior to January 1, 1994, may be continued in service for commercial propane, provided that they are fitted with relief valves and meet the start-to-leak setting in relation to the design pressure of the

container, shall be in accordance with NFPA 58. For the purpose of this exception, "commercial propane" is defined as having a vapor pressure not in excess of 210 psig at 100 degree Fahrenheit. This exception does not apply to LP Gas motor fuel and mobile fuel containers.

(B) Any stationary 200 psig ASME containers brought into Oklahoma from out of state and intended for stationary LP Gas installation in Oklahoma at any facility requiring submission of plans and specification must be tested by at least two (2) of the following nondestructive test methods recognized by ASME to determine if the container or assembly is safe for LP Gas use in Oklahoma. The following test results must be submitted to the Oklahoma LP Gas Administration for approval.

- (i) Hydrostatic Test;
- (ii) Ultrasonic thickness test;
- (iii) Wet particle fluorescent or magnaflux.

**(25) Testing, leakage and visual inspection, and meter calibration.**

(A) Hydrostatic testers operating in Oklahoma that are hydrostatic testing cargo containers for LP Gas use in Oklahoma must be approved by the Oklahoma LP Gas Board and shall:

- (i) Hold a Federal C.T. number;
- (ii) Include in their testing the use of a calibrated pressure chart recorder;
- (iii) Hold a Class IV installer permit.

(B) Leakage and visual inspectors operating in Oklahoma and performing this inspection on cargo containers and their systems for LP Gas use in Oklahoma must be approved by the Oklahoma LP Gas Board and meet the following requirements:

- (i) Inspectors shall hold a Federal C.T. number;
- (ii) If the inspection includes repairs that require the LP Gas system to be re-plumbed, a Class IV permit is required.

(C) Meter calibrators operating in Oklahoma that are calibrating meters for LP Gas use in Oklahoma must be approved by the Oklahoma LP Gas Board and meet the following requirements:

- (i) Meters shall be tested in accordance to Oklahoma Rules and Regulations, Section 420:10-1-14(7);
- (ii) Meter calibrators shall furnish the meter owner a copy of the calibration showing the correct gear numbers and temperature compensator settings;
- (iii) Meter calibration results shall be on a form approved by the LP Gas Administrator and a copy of the completed form shall be furnished to the meter owner;

(iv) Meter calibrators shall hold a Class IV permit.  
(v) Meter calibration testers shall test meters according to National Institute of Standards and Technology (NIST) standards.

**(26) Cylinder exchange stations.**

(A) Cylinder exchange cabinets shall be constructed as per NFPA 58.

(B) The cabinet shall have the following signs affixed to it and readily visible to the public:

- (i) "Propane" or "Flammable Gas" and "No Smoking" in letters not less than two (2) inches high;
- (ii) "Net Weight \_\_\_ lbs." with the net weight of the cylinders to be specified, all of which shall be displayed on the front of the cabinet in letters not less than two (2) inches high;
- (iii) Name of Class I permit holder who supplies the cylinders;

(iv) 24-hour Emergency telephone number.

(C) The cabinet shall be located for distance and number of cylinders as per NFPA 58.

(D) The cylinder storage area shall be kept free of wood, debris and other combustible/flammable material not necessary to the storage for a distance of ten (10) feet, not to include the construction materials of the building itself.

(E) Protection against vehicle impact shall be provided in accordance with good engineering practice where vehicle traffic normally is expected at the location as per NFPA 58.

(F) A fire extinguisher shall be provided as per NFPA 58

(G) A warning sign shall be posted at or near any entrance doorway stating the "LP GAS EXCHANGE CYLINDERS EMPTY OR FULL SHALL NOT BE TAKEN INDOORS FOR ANY REASON."

(H) The Class I permit holder shall provide safety training materials to the Class VII permit holder. The Class VII permit holder is responsible for providing appropriate safety information to the individual exchanging the cylinder. This documentation of training will be kept by the Class VII permit holder at the Class VII location.

(I) Automated cylinder exchange cabinets that include an automated vending system for exchanging cylinders shall comply with the following additional requirements:

(i) Electrical equipment installed in cylinder storage compartments shall comply with the requirements for Class I, Division 2 equipment in accordance with NFPA 70, National Electrical Code;

(ii) Cabinets shall be designed such that cylinders can be placed inside only in the upright position;

(iii) Door releases for access to stored cylinders shall be permitted to be pneumatic, mechanical or electrically powered;

(iv) A manual override control shall be permitted for use by authorized personnel;

(v) The vending system shall not be capable of returning to automatic operation after a manual override until the system has been inspected and reset by authorized personnel.

(J) A Class I permit shall be required in order to supply exchange cylinders for the cylinder exchange permit holder.

(K) A busy sidewalk and thoroughfare, as referenced in NFPA 58, shall be further defined as not being located on private property. A busy sidewalk is alongside a public road and a thoroughfare is a public road.

**(27) Recreational vehicles.** Installations or repairs on LP Gas systems on recreational vehicles shall be performed as per NFPA 1192, Standard on Recreational Vehicles.

**(28) Minimum installation and performance standards of unattended self-service LP Gas motor fuel dispenser stations.**

(A) Unattended self-service LP Gas motor fuel dispenser stations shall meet the applicable sections of the rules and regulations of the Oklahoma Liquefied Petroleum Gas Board and NFPA 58.

(B) Any unattended self-service LP Gas motor fuel dispenser shall also meet all Alternative Provisions for Installations of ASME containers found in NFPA 58 regardless of tank size. This includes Redundant Fail Safe Product Control and Low Emission Transfer requirements.

(C) The delivery valve and nozzle combination shall be designed, installed, and operated, so that LP Gas will not be released unless the valve is correctly attached to the filler coupling on the receiving valve of the LP Gas motor fuel container.

(D) To maintain minimum performance standards, the following shall be considered minimum system performance requirements:

(i) Dispensing rate minimum of eight (8) gallons per minute (GPM) per manufacturer's specifications;

(ii) Vehicle fueling area, ground where vehicle is parked, shall be reasonably level to allow for complete fuel fills.

(E) The dispenser shall have the following signs affixed to the dispenser and readily visible to the public:

(i) Step by step operating instructions, approved in advance by the Administrator;

(ii) A warning sign(s) stating, "WARNING, STATE LAW PROHIBITS FILLING ANY PORTABLE DOT CONTAINERS AT THIS DISPENSER" and "All vehicles refueling at this dispenser must have an appropriate ASME container fitted with an operational OPD valve" in letters not less than two (2) inches high;

(iii) Proper name of LP Gas being dispensed, as specified by federal regulations at CFR-Title 49, in letters not less than two (2) inches high

(iv) "No Smoking" in letters not less than two (2) inches high;

(v) 24-hour emergency telephone number in letters not less than two (2) inches high;

(vi) Name of the Class 1 permit holder that services the dispenser, in letters not less than two (2) inches high.

#### **420:10-1-15. Standards for installations of gas appliances, gas piping and testing**

(a) The standards for installation of gas appliances, gas piping and testing, thereof adopted by the National Fire Protection Association and published in its Handbook No. 54, have been adopted by the Legislature in 52 O.S. 1991, Section 420.3 (e) and shall be the accepted standards for the State of Oklahoma.

(b) Pressure tests and/or leak tests that are required by NFPA 54, 58, 1192, and this chapter, shall be documented on an approved Form 4 or other Board approved form. The form shall be completed with one (1) copy in file at the office or branch office serving the account, one (1) copy filed with the LP Gas Administration within fifteen (15) working days after tests are performed, and one(1) copy to the owner, renter or responsible person.

(c) Form 4's and other approved forms must be completed in their entirety, legible and with all required signatures. If Form 4's are not completed properly they will not be accepted as a testing record. Form 4's or other Board approved forms shall be utilized to document pressure tests or leaks tests as follows:

(1) Prior to injecting gas in a system for the first time (new customer), or if a period of 24 months has passed since gas was injected into a system previously serviced.

(2) After any circumstance as described in NFPA 54 that would require a pressure test or leak test, such as, but not limited to the following:

(A) a section of new or modified gas piping is placed into service;

(B) gas leakage is suspected;

(C) an out of gas condition occurs;

(D) an interruption of service.

(3) In the event of a change of ownership of the propane company, properly completed and filed Form 4's or other Board approved form may be transferred to the new company. The new company must secure a Form 4 or other Board approved form on all customers transferred. If a Form 4 cannot be secured on all the customers transferred, then the Administrator will establish a time schedule for the new company to complete and file all required Form 4's, as needed to stay in compliance.

(d) For standards for installation of gas appliances, gas piping, testing and test records for public buildings refer to 420:10-1-14, (2)&(4).

#### **420:10-1-16. Training schools**

(a) **Safety schools for Class I dealers and X managers.** It shall be the continuing responsibility of all Class I and Class X permit holders to attend a Board sanctioned safety seminar at least once every two years. Seminars shall be available at least annually, with biennial attendance a requisite for license renewals.

(b) **Safety school for fuel handling personnel.** Class IV, IV-D, VI, VI-A, and X permit holders must attend a Board sponsored or sanctioned safety school at least once a year.

(1) Schools will be held at least annually at such time and places as may be deemed advisable. It shall be the administration policy to make available regional schools for the convenience of the industry.

(2) Such schools in no way relieve the dealer of the responsibility of training new employees adequately through on the job training.

(3) A fuel handlers card evidencing approval by the Administrator is required for all LP Gas transport drivers to demonstrate their qualifications for transporting LP Gas.

(c) **Compliance.** Failure to comply with this section shall be cause for suspension or revocation of the permit under which such person, firm or corporation might be operating.

#### **420:10-1-17. Minimum standards**

(a) The holder of any permit shall have sufficient equipment and facilities to render the services offered to the public and authorized under said permit. Upon request of either the Administrator or the Board, such permit holder shall furnish a list of the equipment and facilities that he owns or controls, which is used in performing the services under said permit. The Board, Administrator or any authorized employee of the Board or Administrator shall have authority, at reasonable business hours to inspect the facilities, and equipment of such permit holder to assure that they meet reasonable safe standards. The refusal of the right of reasonable inspection by any permit holder shall be cause for suspension or revocation of the permit.

(b) No holder of a permit shall cease performing the services offered to the public and authorized under said permit for a period of 120 days. Failure to perform services for a longer period shall place permit on inactive status. Holder of permits, desiring to temporarily suspend operation shall advise the

Administrator in writing as to the date that operation is to be suspended.

#### **420:10-1-18. Insurance requirements**

Insurance pursuant to the provisions of this section shall be maintained in full force and effect during the operation of the business for which the coverage was issued. Except as otherwise provided for in this section, no registration permit shall be issued until said certificate is filed with the Administrator. No insurance coverage shall be canceled or terminated without thirty (30) days prior written notice of cancellation or termination to the Administrator. The following are the minimum insurance requirements for LP Gas permit holders licensed by the State of Oklahoma.

##### **(1) Class I - Dealer Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$1,000,000 per occurrence; \$1,000,000 aggregate.

(B) Motor vehicle insurance must meet State and Federal requirements.

(C) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

##### **(2) Class II - Truck Transporter Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$1,000,000 per occurrence; \$1,000,000 aggregate.

(B) Motor vehicle insurance must meet State and Federal requirements.

(C) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

##### **(3) Class III - DOT Cylinder Transporter Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$1,000,000 per occurrence; \$1,000,000 aggregate.

(B) Motor vehicle insurance must meet State and Federal requirements.

(C) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

##### **(4) Class IV - Installer Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$50,000 per occurrence; \$50,000 aggregate.

(B) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

(5) **Class IV -D - Driver/Installer Permit.** The Class IV-D permit is only issued in conjunction with the Class I permit; therefore, the insurance coverage of the Class I permit holder will cover the Class IV-D permit holder.

##### **(6) Class VI - DOT Cylinder &/or LP Gas Motor Fuel Station Operation Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$100,000 per occurrence; \$100,000 aggregate.

(B) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

(7) **Class VI-A - LP Gas Dispensing Permit.** The Class VI-A permit is only issued in conjunction with the Class I, II, III, VI and/or VII permit; therefore, the insurance coverage of the Class I, II, III, VI and/or VII permit holder will cover the Class VI-A permit holder.

##### **(8) Class VII - Cylinder Exchange Program Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$25,000 per occurrence; \$25,000 aggregate.

(B) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

##### **(9) Class IX - LP Gas Container Sales Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$25,000 per occurrence; \$25,000 aggregate. This insurance coverage is only necessary when the permit holder engages in manufacturing and/or installing LP Gas containers.

(B) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

##### **(10) Class IX-A - Mobile Homes and Recreation Sales Permit.**

(A) General liability, Bodily Injury, Property Damage, including products and completed operations liability coverage shall be obtained as follows: \$25,000 per occurrence; \$25,000 aggregate. This insurance coverage is only necessary when the permit holder engages in manufacturing, fabrication or installation of LP Gas systems.

(B) Workers' compensation insurance shall be obtained as required by Oklahoma State statutes.

(11) **Class X - Manager's Permit.** The Class X permit is only issued in conjunction with the Class I permit; therefore, the insurance coverage of the Class I permit holder will cover the Class X permit holder.

#### **420:10-1-19. Permit expirations**

(a) **Setting expiration dates.** Registration permits shall expire annually with no permit extending longer than one calendar year. The expiration dates will be set by the Board.

(b) **Semi-annual permits.** The Administrator may issue a Semi-Annual permit to applicants engaging in such business after (6) six months of renewal date of any year. A semi-annual permit shall run until the following renewal date and the fee for such permit shall be one-half that of the corresponding annual permit.

(c) **Late fee.** The Board is authorized to establish necessary penalty provisions required to ensure prompt payment of said renewal fees.

(d) **Expiration dates.** All class of permits shall expire on August 31 of each year.

#### **420:10-1-20. Suspension or revocation of registration permits and fines; appeals**

(a) The Administrator is authorized to suspend or revoke any registration permit issued by the Board, if it is found at a hearing on the matter, that the registrant has violated or is violating or has failed or is failing to comply with any provisions of Title 52, O.S., Section 420.1 and following, or these rules or specifications, or has delivered a lesser quantity of gas than the registrant bills the customer for with intent to defraud.

(b) Upon his or her own motion, or upon the receipt of written complaint from any member of the Board, or from any Deputy Administrator or Inspector, that a registrant has violated or is violating or has failed or is failing to comply with any of the provisions of Section 420.1 and following, or these safety rules, regulations

and/or specifications, the Administrator is authorized and it shall be his or her duty to hold a public hearing to consider such complaint. The Administrator shall have the power to conduct investigations; to summon and compel the attendance at such hearing of Witnesses; to require the production of any records or documents pertinent to the subject matter of any investigation or hearing; and to provide for the taking of depositions of witnesses in accordance with the rules of the district courts of this state. Notice of the date, time and place of any such hearing shall be given by registered mail not less than ten (10) days, exclusive of the date of mailing, before the date thereof, addressed to the registrant complained against and to any other parties involved, each of whom shall have the right to file answer, to appear and be heard in person and by counsel, and to present evidence at such hearing. The registrant complained against and any other parties involved may appear in person or present their case, including any evidence supporting their case, in writing to the Administrator in lieu of their making a physical appearance, and the Administrator will consider any such written evidence at the hearing.

(c) If the Administrator finds at a hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of Section 420.1 and following, or these rules or specifications, the Administrator, if the findings justify such action, shall issue an order suspending the registrant's registration permit for a period not to exceed ninety (90) days, revoking the registration permit, or imposing a fine of not more than Five Hundred Dollars (\$500.00) for each separate offense. Any fine imposed pursuant to this section shall be deposited into the Liquefied Petroleum Gas Fund. The amount of the fine and the type of penalty imposed for an offense or violation shall be within the Administrator's discretion, provided that the following fines shall be imposed for the following offenses or violations, in addition to additional fines and penalties the Administrator may impose for repeated or aggravated offenses or violations:

- (1) Container Law (filling container owned conspicuously by another person) - [Title 52, O.S.SS420.9(F)]: \$500.00 maximum fine.
- (2) Unauthorized removal of red tag - [OAC 420:10-1-14(b)(9)]: \$500.00 maximum fine
- (3) Failing to carry or use chock blocks - [NFPA 58, Ch.6-3.8]: \$ 500.00 maximum fine
- (4) Failing to complete or late filing of LPG Form 4 - [OAC 420:10-1-15]: \$ 500.00 maximum fine per occurrence.
- (5) Inaccurate meters or meter calibration – [OAC 420:10 – 1 14 (b) (7)]: \$500.00 maximum fine.
- (6) Meter gears do not match calibration report; Failing to report unsealed meter; Failing to give printed ticket - [OAC 420:10-1-14(b)(7)]: \$500.00 maximum fine
- (7) Failing to obtain a proper permit to operate in LP Gas Industry - [OAC 420:10-1-5]: \$500.00 maximum fine
- (8) Failing to renew existing permit before expiration - [OAC 420:10-1-16]: 25% of permit cost maximum fine
- (9) Failing to attend safety school - [OAC 420:10-1-16]: \$500.00 maximum fine
- (10) Failing to comply with inspection requirements - [OAC 420:10-1-14]: \$500.00 maximum fine

- (11) Leaving Internal Safety Valve (ISV) open or manual liquid outlet valve open during transportation - [NFPA 58,Ch.6-3.1.2]: \$500.00 maximum fine
- (12) ESV's not operating - [NFPA 58, Ch.6-3.1.2]: \$500.00 maximum fine
- (13) Other violations of NFPA 58 & 54 -[OAC 420:10-1-14]: \$500.00 maximum fine
- (14) Failing to list all storage sites - [various]: \$500.00 maximum fine
- (15) Failing to pay invoice from Administrator within 35 days from issued date - [various]: 25% of invoice maximum fine
- (16) No insurance - [OAC 420:10-1-18]: \$500.00 maximum fine
- (17) Failing to report accident - [OAC 420:10-1-14(b)(3)]: \$500.00 maximum fine
- (18) Failing to attend management safety seminar - [OAC 420:10-1-16]: \$500.00 maximum fine
- (d) The Administrator's findings, judgment and order shall be reduced to writing and be recorded in a permanent public record to be retained in the office of the Administrator. Copies shall be furnished to the registrant complained against and to the board. Any registrant who has been fined, or whose registration permit is suspended or revoked by the Administrator may, within thirty (30) days after such fine, suspension or revocation, file an appeal with the Board, which shall review the order of the Administrator de novo at the next scheduled meeting of the Board, and shall affirm the Administrator's order if supported by substantial evidence. In the event the Board affirms in whole or in part the action of the Administrator, the registrant may, within thirty (30) days after the Board's action, file an appeal with the district court of Oklahoma County or in the county wherein the registrant resides or has its principal place of business in this state, pursuant to Article II of the Administrative Procedures Act. Upon filing of an appeal, enforcement of the Administrator's order shall be stayed pending final disposition of such appeal. Upon affirmance, the order shall become final and conclusive and the stay of enforcement shall be vacated.