



STATE OF OKLAHOMA

LIQUEFIED PETROLEUM GAS ADMINISTRATION

OKLAHOMA STATE STATUTES  
OKLAHOMA LP GAS ADMINISTRATION

Chapter 8  
Oklahoma Liquefied Petroleum Gas Regulation Act

Section 420.1 - Liquefied Petroleum Gases Defined.

A. the provisions of chapter 8 of Title 52 of the Oklahoma Statutes shall be known and may be cited as the Oklahoma Liquefied Petroleum Gas Regulation Act."

B. For purposes of the Oklahoma Liquefied Petroleum Gas Regulation Act:

1. "Administrator" means the State Liquefied Petroleum Gas Administrator;
2. "Board" means the Oklahoma Liquefied Petroleum Gas Board; and
3. "Liquefied petroleum gases", "LPG," or "LP-Gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same; propane, propylene, normal butane and isobutane, and butylenes.

Added by Laws 1953, p. 219, § 1, emerg. eff. June 30, 1953; Amended by Laws 1999, 1844 c. 366. § 1, eff. July 01, 1999 .

Section 420.2 - State Liquefied Petroleum Administrator - Deputies and Inspectors.

A. There is hereby created a State Liquefied Petroleum Gas Administrator, to be appointed by the Governor from a list of nominees submitted by the Oklahoma Liquefied Petroleum Gas Board, hereinafter created. The appointment shall be subject to confirmation by the Senate. The Administrator shall:

1. Receive a salary to be established by the Oklahoma Liquefied Petroleum Gas Board;
2. Act in no other official or quasi-official capacity except as herein provided; and
3. Serve at the pleasure of the Governor.

B. The Administrator, subject to approval of the Board, shall appoint and fix the duties and compensation of employees necessary to perform the duties imposed upon the Oklahoma Liquefied Petroleum Gas Board by law.

C. 1. Persons appointed to the positions of Administrator, chief deputy administrator, deputy administrator or safety code enforcement officer shall:

- a. be citizens of the United States,
- b. be legal residents of this state,
- c. be physically, mentally and morally capable of performing the duties imposed upon them pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act,
- d. not have been convicted of a felony in this state or any other state as established by a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes, and
- e. after the date of their appointment, not be engaged in any business in this state related to the production, manufacture, distribution, sale,

installation or transportation of any of the products or equipment covered by the Oklahoma Liquefied Petroleum Gas Regulation Act.

2. Each appointee shall, by education, training and experience, be qualified and competent to perform the duties imposed upon them pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act, which for:

a. the Administrator shall include at least two (2) years' experience in positions of responsibility in or connected with the liquefied petroleum gas industry,

b. the chief deputy administrator and deputy administrators shall include at least one and one-half (1 1/2) years of such experience, and

c. the safety code enforcement officers shall include at least two (2) years' experience in actual physical installation or inspection of liquefied petroleum gas systems, containers, apparatus or appliances, or installations thereof.

3. Before entering upon their duties, appointees shall take the constitutional oath of office.

D. In the event of a vacancy in the office of Administrator, or in the event of the absence or disability of the Administrator, the chief deputy administrator is hereby empowered and authorized to perform the duties of the Administrator during the time of such vacancy, absence or disability.

Added by Laws 1953, p. 219, § 2, emerg. eff. June 30, 1953. Amended by Laws 1975, c. 104, § 5, emerg. eff. May 2, 1975; Laws 1980, c. 347, § 3, emerg. eff. June 17, 1980; Amended by Laws 1999, 1844 c. 366. § 2, eff. July 1, 1999. Amended by Laws 2002, SB 1407, c. 202, § 1, emerg. eff. July 1, 2002

Section 420.3 - "Oklahoma Liquefied Petroleum Gas Board - Rules, Regulations and Specifications."

A. There is hereby re-created the Oklahoma Liquefied Petroleum Gas Board, hereinafter sometimes referred to as "LP-Gas Board" or "Board". The Board shall be composed of seven (7) members, one each from the southeastern, northeastern, northwestern and southwestern quarters of the state, one from central Oklahoma, and two from the state at large. Each such appointment shall be made by the Governor, from a list of three or more nominees who have certified in writing their willingness to serve, to be submitted to him by the persons, firms or corporations required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, or by their representatives, and shall be subject to confirmation by the Senate.

B. No person shall be appointed as a member of the Board unless at the time of his appointment he or she has been a legal resident

of the State of Oklahoma for at least five (5) years next preceding the date of his or her appointment and, except for the two members at large, shall have actively engaged in the retail distribution of liquefied petroleum gas in Oklahoma for a period of one (1) year, or more. One of the members at large shall be engaged in and representative of the container and appliance phases of the LPG business in Oklahoma, and the other shall have a general familiarity with the regulatory problems of the industry and the consuming public. Provided, however, that the appointment of such public member shall not be subject to the aforementioned list which is required to be submitted to the Governor. Members shall be eligible for reappointment for successive terms, and shall be removable for cause by the Governor. A member shall automatically be disqualified to hold such office in event he or she ceases to be a legal resident of the State of Oklahoma or ceases to be actively engaged in the liquefied petroleum gas business in Oklahoma.

C. Re-creation shall not alter existing membership or terms of office. Members shall serve until their successors in office are duly appointed and qualified. Initial appointments of those members of the Board from the designated geographical areas of the state shall be for terms ranging from one (1) to five (5) years, the Governor to designate same, and the initial terms of office of the members at large on said Board shall be for one (1) and two (2) years, respectively, as designated by the Governor. Thereafter, the terms of all members shall be for four (4) years. In the event of the death, resignation, disqualification or incapacity of one or more members of said Board, a recess appointment for the unexpired term of each such member may be made by the Governor as hereinabove provided. Members of the Board shall be entitled to be reimbursed for necessary travel expenses as provided in the State Travel Reimbursement Act.

D. The Board shall organize by electing one of its members as chairman and one member as vice-chairman. The Board shall hold regular meetings. The date, time and place of any regular meeting shall be as designated by vote of the majority of the membership. Four members of said Board shall constitute a quorum for all purposes. The chairman or vice-chairman may, upon approval of a majority of the members present and voting at any meeting, designate the time, place and date of any scheduled special meeting, and the chairman or vice-chairman shall have the power to call an unscheduled special meeting of the Board upon not less than five (5) days' notice in writing to each member thereof.

E. The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association and

published in Pamphlet No. 58 including current and subsequent editions and any subsequent changes and/or additions to the pamphlet, and the standards for the installation of gas appliances and gas piping adopted by the National Fire Protection Association and published in Pamphlet No. 54 including the current and any subsequent editions and any subsequent changes and/or additions to the pamphlet shall be the accepted standards for this state. The said Board is hereby empowered and authorized, and it shall be its duty to prescribe, adopt and promulgate, in the manner set forth in Section 420.1 et seq. of this title, rules relating to safety in the storage, distribution, dispensing, transporting and utilization of LPG in this state and in the manufacture, fabrication, assembly, sale, installation or use in this state of LPG systems, containers, apparatus or appliances, and reasonable rules governing the issuance of such permits and operations thereunder, and not inconsistent with this act, as it shall deem just and reasonable, and to revoke, amend or supersede such supplementary rules.

F. The Administrator shall administer and enforce all rules formulated and adopted by the Board and administer and enforce the safety rules prescribed, adopted or promulgated by said Board under and by virtue of the provisions of this act, and incur all necessary expenditures in effectuating the purposes of this subsection. The Administrator shall serve as secretary to said Board, and shall be subject to confirmation by the Senate.

G. Before any rules are revised, amended, adopted or promulgated hereunder, the Administrator, acting on behalf of said Board, shall give ten (10) days' notice to all Class I and Class II permit holders under the act, by mailing to the permit holders a written notice, signed by the Administrator, on behalf of the Board, containing either a statement of the terms or substance of the intended action, a description of the subjects and issues involved, or an accurate copy of the new, revised or amended rules which the Board proposes to adopt and promulgate, stating the date, time and place of a public hearing at which oral or written objections to such proposals shall be heard and considered. Notice shall also be given as required by the Administrative Procedures Act. Nothing in this subsection shall prevent the furnishing of such other or additional notice as the Board shall direct.

H. At any hearing held under this section, not less than a quorum of said Board shall be present and shall preside; provided, however, that by unanimous vote and resolution the Board may authorize the Administrator to preside at any or all such hearings, and in such event no Board member need be present. After any such hearing the Board may, by majority vote, adopt any

proposed new, revised or amended rules with such amendments and modifications thereof as the said Board shall deem just and reasonable, and a certificate reciting such adoption and the effective date thereof shall be signed by the members comprising said majority of said Board. The Administrator shall thereafter, within ten (10) days, cause such rules so adopted to be mailed to each Class I and Class II permit holder under this act.

Added by Laws 1953, p. 220, § 3, emerg. eff. June 30, 1953. Amended by Laws 1957, p. 451, § 1; Laws 1963, c. 216, § 1, emerg. eff. June 11, 1963; Laws 1965, c. 127, § 1, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 1; Laws 1975, c. 104, § 6, emerg. eff. May 2, 1975; Laws 1980, c. 236, § 1, eff. July 1, 1980; Laws 1983, c. 333, § 16, emerg. eff. June 29, 1983; Laws 1985, c. 178, § 24, operative July 1, 1985; Laws 1994, c. 330, § 1, emerg. eff. June 8, 1994; Amended by Laws 1997, c. 234, § 1, eff. November 01, 1997.

#### Section 420.3A - Liability for Damages Caused by Malfunction or Improper Operation.

A. A person is not liable for damages and no legal action shall be commenced or maintained against such person engaged in this state in the business of selling at retail, supplying, handling, or transporting liquefied petroleum gas if the alleged injury, damage, or loss was caused by:

1. The alteration, modification, or repair of liquefied petroleum gas equipment, containers, or a liquefied petroleum gas appliance if the alteration, modification, or repair was done without the knowledge and consent of the liquefied petroleum gas seller, supplier, handler, or transporter; and

2. The liquefied petroleum gas equipment, containers, or a liquefied petroleum gas appliance being used in a manner or for a purpose other than that for which the equipment or appliance was intended.

B. This section shall apply only to a person who complies with the approved standards and rules as outlined in subsection E. of Section 420.3 of this title and who has not acted in a grossly negligent or willful and wanton manner.

Added by Laws 1994, c. 330, § 2, emerg. eff. June 8, 1994; Amended by Laws 1999, 1844 c. 366, § 3, eff. July 01, 1999.

#### Section 420.4 - Registration Permit.

A. No person, firm, or corporation shall manufacture, fabricate, assemble, or install in this state any system, container, apparatus, or appliance used or to be used in this state in or for the transportation, storage, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense or transport over the highways of this state any LPG intended for use in this state in any such system,

container, apparatus, or appliance, without having first applied for and obtained a registration permit to do so. A permit shall not be required by any person, firm, or corporation engaged in the production or manufacture of LPG, or selling or reselling LPG to transporters, processors, distributors, or retailers, nor by any person, firm, or corporation selling or delivering motor vehicles or tractors which are factory equipped with an LPG system, container, apparatus, or appliance for the utilization of LPG as motor fuel. The provisions of this section shall not prevent an individual from installing in his own single-unit residence any system, container, apparatus, or appliance which uses or will utilize LPG, provided, that such individual has secured an inspection of such installation by the Administrator or someone designated by the Administrator or by a person duly licensed to make such an installation prior to the use of said system, container, apparatus or appliance. Applications for registration permits shall be in writing, on a form provided by the Board, and shall contain such pertinent information as is required by the Board. Upon approval of each said application and receipt of the certificates of insurance or securities required by the provisions of this section, the Administrator shall issue to the applicant a permit to engage in the phase of the liquefied petroleum gas industry in this state to which such permit applies. No permit other than the Class I Dealer Permit shall be transferable. The Board is authorized to establish a fee for the transfer of a Class I Permit. Nothing in Sections 420.1 through 420.15 of this title shall be construed to regulate the manufacturing, fabrication, assembling, selling, or installing of any system, container, apparatus, or appliance having a fuel container with a maximum individual water capacity of less than two and one-half (2 1/2) pounds.

B. 1. The Board is authorized to establish an annual permit fee for the issuance of each class or permit listed in subsection C of this section.

2. All such registration permits shall expire annually with no permit extending longer than one (1) calendar year. The expiration dates shall be set by the Board in the rules. The Administrator may issue a semiannual permit to applicants engaging in the business within six (6) months or less of the annual renewal date. A semiannual permit shall expire on the following annual expiration date. The fee for a semiannual permit shall be one-half (1/2) that of the fee of the annual permit. All registration permits required pursuant to the provisions of this section shall be renewed upon payment of the annual fees on or before the expiration of the registration permit, and upon fulfilling all insurance requirements. The Board is authorized to establish necessary penalty provisions required to ensure prompt payment of said annual fees.

3. The Board is authorized to establish specifications which set forth the scope of authority for each class of permits.

4. The Board is authorized to establish an initial permit fee for the issuance of Class I and Class II permits to any person, firm or corporation for the first time.

C. Persons, firms, and corporations required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, at the time of issuance of each such permit, shall pay to the Administrator the initial permit fee if applicable and any annual fee that is applicable to the following permit classes:

1. Class I - Dealer Permit;
2. Class II - Truck Transporter Permit;
3. Class III - DOT Cylinder Transporter Permit;
4. Class IV - Installer Permit;
5. Class IV-D - Driver/Installer Permit
6. Class VI - DOT Cylinder and/or LPG Motor Fuel Station Operator;
7. Class VI-A - LPG Dispensing Permit;
8. Class VII - Cylinder Exchange Program Permit;
9. Class VIII - Appliance Dealer Permit;
10. Class IX - LPG Container Sales Permit;
11. Class IX-A - Manufactured Homes and Recreation Sales Permit; and
12. Class X - Manager's Permit;

D. 1. Each person, firm, or corporation holding a permit authorizing the use of an LPG bulk delivery truck or trailer shall pay at the time of inspection an annual inspection fee in an amount as established by the Board for each said delivery truck or trailer belonging to said person, firm, or corporation. Each person, firm, or corporation who does not hold a permit issued by the Board authorizing the use of an LPG bulk delivery truck or trailer in the state shall pay an annual inspection fee in an amount as established by the Board for each such truck or trailer belonging to said person, firm, or corporation being used to dispense or transport LPG in the state.

2. The inspection fee shall increase to an amount established by the Board per vehicle if said inspection is not completed within sixty (60) days of the expiration date, or at a later date at the discretion of the Administrator.

E. Any LPG bulk delivery truck or trailer failing to be approved at its annual inspection shall be assessed a fee in an amount as established by the Board at the time that it is reinspected.

F. The fees provided for in this section shall be applicable to residents and nonresidents of Oklahoma.

G. The Board is authorized to approve or disapprove applications for registration permits to distributors and retailers of LPG and managers of LPG establishments. The Administrator is authorized to approve or disapprove all other

applications for registration permits that may be issued pursuant to the provisions of this section.

1. No application shall be approved by the Administrator unless the Administrator is satisfied that the applicant by written examination has shown a working knowledge of the safety requirements provided by the rules of the Board.

2. No application shall be approved by the Board unless the Board is satisfied by adequate written examination of the applicant, or the individual who is or shall be directly responsible for actively supervising the operations of such applicant which is a partnership, firm, or corporation, that the applicant or such individual has a working knowledge of the safety requirements provided by the rules of the Board. The Board shall cause to be held public hearings on the second Monday in the months of January, April, July, and October of each year on all applications for new registration permits required by the provisions of this section, or upon such other occasions as the Board may deem necessary. Notice of each hearing shall be mailed to each such applicant and shall be posted in a conspicuous place in the Office of the Administrator in Oklahoma City, Oklahoma, at least thirty (30) days prior to the date of such hearing. Said notice shall include the name, address, permit class, and business location of each applicant whose application is to be considered at the hearing. Such applicant, or the individual who is or shall be directly responsible for and actively supervising the operations of such applicant, may be present at such hearing. If, after the public hearing, an applicant is found by the Board to have a working knowledge of the safety requirements provided by the rules and regulations of the Board, the Board shall cause an order to that effect to be entered upon its records and the application shall be approved. In the event an applicant fails to qualify, said fact shall be entered upon the Board's records.

3. The Board shall charge a fee in an amount established by the Board for testing materials and the expense of holding the examinations provided for in this section. Said fee shall be paid upon filing an application for any permit.

H. A registration permit shall not be issued to any applicant unless the Administrator has received certificates of insurance or security as required by this section.

I. Except as otherwise provided for in this section, all persons, firms, or corporations engaged in the business of manufacturing, fabricating, assembling, or installing any LPG system, container, apparatus, or appliance in this state, and required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, shall file with the Administrator a certificate indicating liability insurance coverage for the manufacturer and contractor. The Board is authorized to establish coverage amounts for

each class of permit, provided coverage shall be for an amount of not less than Twenty-five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than Twenty-five Thousand Dollars (\$25,000.00) for property damage, and shall be in full force and effect, covering the plant, equipment, and motor vehicles used in such business, and the operations of the business.

J. Except as otherwise provided for in this section, all transporters, distributors, or retailers of LPG in this state, required to be registered pursuant to Sections 420.1 through 420.15 of this title, shall file with the Administrator a certificate indicating that public liability and property damage insurance coverage has been issued. The Board is authorized to establish coverage amounts for each class of permit, provided coverage shall be for an amount of not less than Twenty-five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than Twenty-five Thousand Dollars (\$25,000.00) for property damage has been issued, and is in full force and effect, covering the plant, equipment, and motor vehicles used in such business, and the operations of said business.

K. 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.

L. The Board is authorized, upon proof of or a satisfactory showing that any person, firm, or corporation is financially able to pay or satisfy any judgment, claim, or demand against such person, firm, or corporation, to waive the insurance coverage required by this section. The Board, in lieu of said certificate, may require the deposit, with the Administrator, of securities, or satisfactory indemnity bond, in an amount and of a kind designated by the Board, to secure the liability of such person, firm, or corporation to pay any judgment, claim, or demand. Such security shall not be in excess of the limits set forth in this section. If the Board deems the financial status of such person, firm, or corporation to be impaired so as to reduce the ability of such person, firm, or corporation to make payment or to satisfy any judgment, claim, or demand, the Board may revoke such waiver and require such person, firm, or corporation to file certificates required by this section within thirty (30) days' after written notice is sent by the Board to such person, firm, or corporation.

Added by Laws 1953, p. 222, § 4, emerg. eff. June 30, 1953. Amended by Laws 1955, p. 285,

§ 1, emerg. eff. June 3, 1955; Laws 1957, p. 451, § 2; Laws 1959, p. 218, § 1; Laws 1963, c. 27, § 1, emerg. eff. March 26, 1963; Laws 1965, c. 127, § 2, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 2; Laws 1975, c. 104, § 7, emerg. eff. May 2, 1975; Laws 1976, c. 101, § 5, emerg. eff. May 11, 1976; Laws 1980, c. 236, § 2, eff. July 1, 1980; Laws 1981, c. 118, § 26, eff. Oct. 1, 1981; Laws 1983, c. 216, § 5, operative July 1, 1983; Laws 1989, c. 369, § 114, operative July 1, 1989; Laws 1991, c. 215, § 19, eff. July 1, 1991; Laws 1994, c. 330, § 3, emerg. eff. June 8, 1994; Amended by Laws 1997, c. 234, § 2, eff. November 01, 1997; Amended by Laws 2002, SB 1407, c. 202, § 2, emerg. eff. July 1 2002.

#### Section 420.5 - "Fees on Sale, Purchase, Rental or Use - Reports - Penalty."

A. The Board is authorized to establish a fee, to be paid to the Administrator, upon the sale, purchase, rental and/or use in this state of liquefied petroleum gas refillable cylinders and all other liquefied petroleum gas containers.

B. Each manufacturer of LP-Gas containers in Oklahoma, each vendor of containers manufactured without the state, and each person, firm or corporation placing any LPG container or cylinder in use in this state shall pay the applicable fee. For vendors of containers manufactured without this state, the fee or fees shall apply and become due upon delivery to the vendors, or for their account, within the state, of containers or cylinders purchased without the state. In no event shall the fees herein levied be paid or become payable on any container or cylinder sold, rented, purchased or placed in use in this state prior to the effective date of this act, or more than once on any container or cylinder, or upon any container or cylinder resold, rerented, repurchased or reused in this state. The Administrator is authorized to refund or credit fees upon containers sold without the state upon which the fees have previously been paid, or any such fees which have erroneously been paid, upon written application supported by affidavit setting forth the basis for such refund. The Administrator is authorized to adopt a system of identification of containers on which the fees herein levied have been paid.

C. No person, firm or corporation shall use or install in this state any container or cylinder upon which the applicable fee levied above applies and has not been paid. In case of failure to pay within the specified time, there shall be assessed a penalty of twenty-five percent (25%), which shall be added to the applicable fee.

Added by Laws 1953, p. 223, § 5, emerg. eff. June 30, 1953. Amended by Laws 1981, c. 247, § 6, emerg. eff. June 25, 1981; Laws 1993, c. 270, § 52, eff. Sept. 1, 1993.

Section 420.6 - Suspension or Revocation of Registration Permit - Appeals.

A. The State Liquefied Petroleum Gas Administrator is authorized to suspend or revoke any registration permit issued by the Oklahoma Liquefied Petroleum Gas Board or impose an administrative penalty, 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 the Oklahoma Liquefied Petroleum Gas Regulation Act, any rules or specifications promulgated or any order issued thereto, or has delivered a lesser quantity of gas than the registrant bills the customer for with intent to defraud.

B. 1. Upon the motion of the Administrator, or upon the receipt of written complaint from any member of the Board, or from any deputy administrator or safety code enforcement officer, that a registrant has violated or is violating or has failed or is failing to comply with any of the provisions of the Oklahoma Liquefied Petroleum Gas Regulation Act, the rules, or specifications promulgated or any order issued thereto, the Administrator is authorized and it shall be the duty of the Administrator to hold an administrative hearing pursuant to Article II of the Administrative Procedures Act to consider such complaint.

2. 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.

3. 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.

C. If the Administrator finds at the hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of the Oklahoma Liquefied Petroleum Gas Regulation Act or such rules, specifications or any order issued thereto, 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 an administrative penalty of not more than Five Hundred Dollars (\$500.00) for each separate offense. Any administrative penalty imposed pursuant to this section shall be deposited into the Liquefied Petroleum Gas Fund, created pursuant to Section 420.11 of this title.

D. 1. 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.

2. Any registrant who has been assessed an administrative penalty or whose registration permit is suspended or revoked by the Administrator may, pursuant to Section 317 of Title 75 of the Oklahoma Statutes, file for a rehearing, reopening or reconsideration by the Board. The registrant shall be given the opportunity to request a de novo hearing by the Board. Such decision by the Board shall constitute final action by the Board.

3. Any registrant who has been assessed an administrative penalty or whose registration permit has been suspended or revoked upon review by the Board may, within thirty (30) days after such filing, suspension or revocation, 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.

E. 1. Except for an emergency as determined by the Board upon the filing of a request for a rehearing, reopening or reconsideration or as determined by the court upon an appeal for judicial review of the order, enforcement of the Administrator's order shall be stayed pending final disposition of such rehearing or appeal.

2. Upon affirmance, the order shall become final and conclusive and the stay of enforcement shall be vacated.

F. The Board shall promulgate reasonable rules governing the sale or transfer of business, facilities or a permit connected with or to be used in operations subject to regulation pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act.

Added by Laws 1953, p. 224, § 6, emerg. eff. June 30, 1953. Amended by Laws 1965, c. 127, § 3; Laws 1971, c. 351, § 3; Amended by Laws 1997, c. 234, § 3, eff. November 01, 1997; Amended by Laws 1998, c. 67, § 1, eff. July 01, 1998; Amended by Laws 1999, 1844 c. 366, § 4, eff. July 01, 1999; Amended by Laws 2002, SB1407, c. 202, § 3, emerg. eff. July 1, 2002.

Section 420.7 - Inspections - Proving Metering Systems - Display of Permit - Complaints and Arrests - Condemnation of Systems and Appliances - Duties of Attorney General.

A. It shall be the duty of the Administrator to inspect, or to provide for the inspection of, any LPG systems, containers, apparatus, or appliances installed in this state, and any LPG bulk-delivery trucks or trailers used in this state, whenever in the discretion of the Administrator, any deputy, or any safety code enforcement officer such inspection is necessary to effectuate the purposes of this act. The Administrator and

any deputy or safety code enforcement officer are hereby severally empowered and authorized to enter upon any premises where any such installation is being or has been made to conduct such inspection.

B. The Administrator, under the direction of the Board, shall require proving of metering system to determine the accuracy to be within the manufacturer's tolerance not to exceed plus or minus one percent (1%) at any time. The LPG 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.

C. Every person to whom the Board or the Administrator issues a registration permit as herein provided shall have immediate possession of the permit at all times when engaged in that phase of the LPG business for which the same was issued and shall display the same upon demand of the Administrator, the chief deputy administrator, or any deputy administrator or safety code enforcement officer.

D. The Administrator and the chief deputy administrator, and such deputies and safety code enforcement officers as the Administrator shall by appropriate written commission appoint, shall have all of the powers and authority of peace officers of this state in making arrests for violations of this act or the safety rules promulgated thereunder, or in serving any process, notice or order connected with the enforcement of this act issued by the Administrator.

E. The Administrator, the chief deputy administrator and any deputy administrator or safety code enforcement officer are hereby empowered and authorized to sign complaints against and to cause the arrest of any person charged with a violation or violations of this act or the safety rules promulgated thereunder. In the event the district attorney fails or refuses to draw or endorse any complaint submitted to the district attorney and the complainant, whether it be the Administrator, the chief deputy administrator or any deputy administrator or safety code enforcement officer, desires to secure prosecution of the complaint, then and in that event any court of competent jurisdiction shall be authorized to issue a warrant for the arrest of the person charged in the complaint and the complainant shall not be required to file with the court the bond provided to be filed with and approved by the court in Sections 231 through 233 of Title 22 of the Oklahoma Statutes.

F. The Administrator and any deputy or safety code enforcement officer are hereby severally empowered and authorized to condemn any liquefied petroleum gas system, container, apparatus or appliance in this state not

manufactured, fabricated, assembled or installed in accordance with the safety rules adopted or promulgated under this act, and shall have the authority to forbid the use of any such system, container, apparatus or appliance unless and until the same have been made to comply in all respects with such safety rules.

G. The Administrator is hereby empowered and authorized to inspect or cause the inspection of the records of any person, firm or corporation pertaining to the installation by such person, firm or corporation of liquefied petroleum gas systems, containers, apparatus or appliances in this state.

H. The Attorney General of the State of Oklahoma shall appear and represent the Administrator and the Board and members thereof, or any of them, in all litigation or other proceedings that may arise in the discharge of duties and shall, at the request of the Administrator, assist the district attorney in prosecuting charges of violations of this act. Added by Laws 1953, p. 225, § 7, emerg. eff. June 30, 1953. Amended by Laws 1965, c. 127, § 4, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 4; Laws 1980, c. 236, § 3, eff. July 1, 1980; Laws 1994, c. 330, § 4, emerg. eff. June 8, 1994; Amended by Laws 2002, SB1407, c. 202, § 4, emerg. eff. July 1, 2002.

#### Section 420.8 - "Violations of Law, Rule, Regulation, or Specification."

Any person, firm or corporation violating any of the provisions of Section 420.1 et seq. this title, or any rule promulgated thereunder, or installing in this state any liquefied petroleum gas system or appliance which does not comply with such safety rules shall be guilty of a misdemeanor, and upon conviction thereof such person or the responsible members of such firm, or the responsible officers of such corporation, shall, in addition to any fine imposed by the Administrator pursuant to Section 420.6 of this title, be punished by a fine of not less than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1953, p. 225, § 8, emerg. eff. June 30, 1953. Amended by Laws 1965, c. 127, § 5, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 5; Laws 1994, c. 330, § 5, emerg. eff. June 8, 1994; Amended by Laws 1997, c. 234, § 4, eff. November 01, 1997.

#### Section 420.9 - "Specifications for Commercial Propane, Butane and Mixtures - Identification of Vehicles - Motor Carriers - Transportation Out of State - Retail Deliveries."

A. All liquefied petroleum gases designated as commercial propane, commercial butane, or mixtures thereof, sold for consumption in this



state, shall, when subjected to the test methods of the Gas Processors Association of America, meet applicable specifications adopted as tentative standards by said Association for the particular product sold.

B. All vehicles used in hauling or transporting liquefied petroleum gases upon the highways of this state shall be identified in such manner as the Administrator may, by rule, prescribe.

C. The Department of Public Safety of the State of Oklahoma shall cooperate with the Administrator in the enforcement of the provisions of this section, and the rules promulgated thereunder.

D. Transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act shall not be required to obtain or possess an intrastate motor carrier or private carrier license issued by the Oklahoma Corporation Commission.

E. Transport trucks transporting liquefied petroleum gases out of the state, but not required to bear Oklahoma license, shall not be subject to the permit fees prescribed by the Oklahoma Liquefied Petroleum Gas Regulation Act, but shall be subject to all of the other requirements of the Oklahoma Liquefied Petroleum Gas Regulation Act and any safety rule or specification promulgated thereunder.

F. Bulk deliveries of liquefied petroleum gases at retail shall be metered in accordance with rules promulgated by the LP-Gas Board.

G. 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.

H. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product. During the actual transfer of liquids into containers at domestic type dwellings and installations, the attendant shall not enter into any type of enclosure, including but not limited to truck cabs, dwellings, and barns, and shall maintain visual contact with the liquid level gauge at all times.

Added by Laws 1953, p. 225, § 9, emerg. eff. June 30, 1953. Amended by Laws 1955, p. 287, § 2, emerg. eff. June 3, 1955; Laws 1965, c. 127, § 6, emerg. eff. May 24, 1965; Laws 1994, c. 330, § 6, emerg. eff. June 8, 1994; Amended by Laws 1999, 1844 c. 366. § 5, eff. July 01, 1999.

#### Section 420.10 - Additional Personnel.

The Administrator is empowered and authorized to appoint from time to time such administrative staff as the Administrator reasonably determines

is necessary to assist the Administrator and the Board in the performance of their functions. Added by Laws 1953, p. 226, § 10, emerg. eff. June 30, 1953; Amended by Laws 1998, c. 67, § 2, eff. July 01, 1998.

#### Section 420.11 - Funds - Fees - Deposits - Expenditures.

A.) All funds and fees, from whatsoever source derived, collected by the Administrator under the provisions of Section 420.1 et seq. of this title, shall be deposited daily into the Liquefied Petroleum Gas Fund created in this section. Effective July 1, 2004, and for each fiscal year thereafter, the Administrator shall deposit ten percent (10%) of the total amount collected from fees and funds by the Administrator to the credit of the General Revenue Fund of the State Treasury. The Administrator and the Board are hereby vested and empowered with the authority to make any and all necessary expenditures from the fund that in their judgment are reasonable and required to effectuate the purposes of this act. The Administrator shall annually file with the Governor a report of all activities of the fund, which shall include a statement of all receipts and disbursements.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Liquefied Petroleum Gas Board to be designated the Liquefied Petroleum Gas fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Liquefied Petroleum Gas Board as provided for in this section. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claim filed as prescribed by law with the Director of State Finance for approval and payment.

C. Section 211 of Title 62 of the Oklahoma Statutes shall not apply to the funds and fees collected by the Liquefied Petroleum Gas Board. Added by Laws 1953, c. 226, § 11, emerg. eff. June 30, 1953. Amended by Laws 1979, c. 47, § 20, emerg. eff. April 9, 1979; Laws 1984, c. 289, § 4, operative July 1, 1984.

#### Section 420.12 - "Repealed by Laws 1980, c. 68, § 1, eff. April 10, 1980."

Repealed by Laws 1980, c. 68, § 1, eff. April 10, 1980.

#### Section 420.13 - "Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989."

Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

#### Section 420.14 - Nonresidents - Prohibition on Storage or Dispensing.

The State Liquefied Petroleum Gas Administrator

shall not issue or renew any registration permit or license to any person, firm, or corporation who is a resident of, or whose principal place of business is located in, a state other than Oklahoma unless the laws of such other state, and the rules and regulations of the authority governing the storage and dispensing of liquefied petroleum gas permit the operation of such business by citizens, firms, or corporations of Oklahoma under the same or substantially similar terms and conditions as those required for such operation in this state.

Added by Laws 1963, c. 27, § 1, emerg. eff. March 26, 1963.

**Section 420.15 - Safety Schools for Liquefied Petroleum Dealers.**

The LP-Gas Board shall provide for the holding of safety schools for the benefit of the liquefied petroleum gas dealers and employees in the State of Oklahoma, at such times and in such places as may be deemed advisable and may, by lawfully adopted rules, require attendance and successful completion of courses held as a condition precedent to retaining permits issued hereunder. The Administrator shall perform such duties in connection with those schools as the Board might direct.

Added by Laws 1967, c. 183, § 1, emerg. eff. May 1, 1967. Amended by Laws 1971, c. 351, § 6.

**Section 420.16 - "Repealed by Laws 1975, c. 104, § 9, eff. May 2, 1975."**

Repealed by Laws 1975, c. 104, § 9, eff. May 2, 1975.

**Section 420.17 - Expense Allowance for Maintenance and Cleaning of Uniforms.**

An expense allowance of Fifty Dollars (\$50.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to Liquefied Petroleum Gas Inspectors. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the Liquefied Petroleum Gas Board on the effective date of this act.

Added by Laws 1993, c. 185, § 2, eff. Sept. 1, 1993; Amended by Laws 2002, SB 1407, c. 202, § 5. emerg. eff. July 1, 2002.