

Title 55

PUBLIC SAFETY

Part IX. Liquefied Petroleum Gas

Chapter 1. General Requirements

Editor's Note: This Chapter applies to all classes of permits.

Subchapter A. New Dealers

§101. Prerequisite

A. As a prerequisite to engage in the liquefied petroleum gas business in the state of Louisiana, an applicant shall first comply with the applicable rules and regulations of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 38:1254 (May 2012).

§103. Definitions

A. The following terms, as used in this Part, have the meanings listed below.

Appliance—any device that utilizes gas as a fuel or raw material to produce light, heat, power, refrigeration, or air conditioning.

Applicant—a person, firm, or corporation who has applied for a permit or registration with the Liquefied Petroleum Gas Commission.

Approved—approved by or acceptable to the authority having jurisdiction. This normally means that equipment or materials that are listed or labeled have been specifically approved by the authority having jurisdiction.

ASME—American Society of Mechanical Engineers.

Authority Having Jurisdiction (AHJ)—the organization, office, or individual responsible for approving equipment, an installation, or a procedure. In Louisiana the AHJ is the Liquefied Petroleum Gas Commission, the Office of the Director of the Liquefied Petroleum Gas Commission.

Cargo Tank—a container used to transport liquefied petroleum gas over a highway as liquid cargo, either mounted on a conventional truck chassis or as an integral part of a transporting vehicle in which the container constitutes in whole, or in part, the stress member used as a frame.

CETP—Certified Employee Training Program.

Commission—Louisiana Liquefied Petroleum Gas Commission.

Container—any vessel, including cylinders, tanks, portable tanks, and cargo tanks used for the transporting or storing of liquefied petroleum gas.

Dealer or Permit Holder—any person, firm, or corporation who holds a permit or registration to enter into any phase of the liquefied petroleum gas business in the state of Louisiana.

Disaster—the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as a hurricane, tornado, storm, flood, high winds, and other weather related events, forest and marsh fires, and man-made disasters, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action, and other events related hereto.

DOT—the United States Department of Transportation.

Emergency—the actual or threatened condition which has been or may be created by a disaster or; any natural or man-made event which results in an interruption in the delivery of utility services to any consumer of such services and which affects the safety, health, or welfare of a Louisiana resident; or

a. any instance in which a utility's property is damaged and such damage creates a dangerous condition to the public;

b. any national or state emergency, including acts of terrorism or a congressional authorization or presidential declaration pursuant to the War Powers Resolution (50 U.S.C. 1541 et seq.).

End User—any person, firm, or corporation which has the use of or legal authority or control over any system which utilizes liquefied petroleum gas.

Installation—when used in the context of an existing thing, the same as system or liquefied petroleum gas system (see definition of *system* or *liquefied petroleum gas system*).

Installation—when used in the context of an action, the act of installing or setting up for use or service.

Labeled—equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the authority having jurisdiction and concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling manufacturer indicates compliance with appropriate standards or performance in a specified manner.

Leak Check—operation performed on a complete gas piping system and connected equipment prior to placing it into operation following initial installation and pressure

testing or interruption of gas supply or out-of-gas situation or first time service of a new customer to verify that the system does not leak.

Liquefied Petroleum Gases—those gases derived from petroleum or natural gas, and are herein defined as those in the gaseous state at normal atmospheric temperature and pressure, and those maintained in liquid state at normal atmospheric temperature by means of suitable pressure. Those gases having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or iso butane), and butylenes. This definition shall not include acetylene as a regulated gas.

Listed—equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been listed and found suitable for use in a specified manner.

Materially Affect Safety—any action or inaction that significantly and adversely affects the public health, safety or welfare, whether caused by deliberate act or negligence.

Mobile Air Conditioning System—mechanized vapor compression equipment which is used to cool the driver's or passenger's compartment of any motor vehicle.

New Dealer—any person, firm, or corporation that does not hold a permit or registration to engage in the liquefied petroleum gas business as of the date of their application.

Office of the Director—the office of the Executive Director of the Louisiana Liquefied Petroleum Gas Commission.

Places of Public Assembly—places where the egress is open to the public. This definition includes, but is not limited to, bars, restaurants, service stations, grocery stores, schools, churches, hospitals, sales offices, nursing homes, and other similar places. This definition is not intended to include places that limit public access.

Pressure Test—an operation performed to verify the gas tight integrity of gas piping following its installation or modification.

Qualified Agency—any person, firm, or corporation which is engaged in and is responsible for the installation or replacement of liquefied petroleum gas piping, tanks, containers, the connection, installation, repair, or servicing of equipment or appliances and is experienced in such work and familiar with all precautions required and has complied with all the requirements of the authority having jurisdiction.

Reseller or Wholesaler—

- a. a person, firm, or corporation who:
 - i. holds title or ownership of liquefied petroleum gas as it leaves the facility or plant of a manufacturer of liquefied petroleum gas, or the facility or plant of a

manufacturer of products of which liquefied petroleum gas form a component part, or of a commercial storage facility;

- ii. transfers such title or ownership to another without substantially changing the form of the liquefied petroleum gas;

- iii. transfers such title or ownership to another reseller, or to a liquefied petroleum gas dealer for sale at retail;

- b. this definition shall include a manufacturer of liquefied petroleum gas or a manufacturer of products of which liquefied petroleum gas forms a component part, if title or ownership transfers directly from the manufacturer to a liquefied petroleum gas dealer for sale at retail;

- c. this definition shall not include a manufacturer of liquefied petroleum gas or a manufacturer of products of which liquefied petroleum gas forms a component part, if title or ownership transfers to another manufacturer of liquefied petroleum gas, to another manufacturer of products of which liquefied petroleum gas forms a component part or to a reseller.

Retail Dealer—any person, firm, or corporation who normally sells liquefied petroleum gas to an end user for consumption.

Retail Station—that portion of property where liquefied petroleum gases used as motor fuel are stored and dispensed from fixed equipment into liquefied petroleum gas fuel tanks of motor vehicles and where such dispensing is an act of retail motor fuel sale.

State of Emergency or Disaster—any event declared by the governor of the state by his authority under the Louisiana Homeland Security and Emergency Assistance and Disaster Act, under R.S. 29:721 et seq.

System or Liquefied Petroleum Gas System—any tank, container, heat or cold producing device, appliance or piping that utilizes or has liquefied petroleum gas connected thereto. This includes, but is not limited to, ranges, hot water heaters, heaters, air conditioners, containers, tanks, furnaces, space heaters or piping used in the transfer of liquefied petroleum gas either in the vapor or the liquid state from one point to another, internal combustion engines, both stationary and mobile, grain dryers or any combination thereof.

Tank(s)—same as a container(s).

Used Manufactured Home—a manufactured home which is not being sold or offered for sale as new, which has been previously sold as new and is used for residential purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:459 (March 1998), LR 29:2508 (November 2003), LR 31:2556 (October 2005), LR 33:1139 (June 2007), effective July 1, 2007,

LR 36:2571 (November 2010), LR 38:1255 (May 2012), LR 47:481 (April 2021).

§105. Applications

A. Any person, firm, or corporation desiring to enter the liquefied petroleum gas business in the state of Louisiana shall file formal application for a permit or registration with the commission. In the case of Class VI and Class VIII permits, a formal application for a permit shall be filed for each location. All other classes of permits and registrations require only one formal application for the permit or registration. These applications for permits or registrations shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fees, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits or registrations at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the commission meeting when the application for a permit is ratified for Class I, IV and VI. The applicant's supplier is prohibited from being the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant for a permit to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) will be furnished by the commission upon request.

B. No person, firm or corporation engaged in selling of liquefied petroleum gas only in small consumer quantities in U.S. Department of Transportation specification 2Q containers shall be required to obtain a permit as required by R.S. 40:1847. These quantities shall not exceed 1 liter per container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 24:460 (March 1998), LR 25:1262 (July 1999), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1139 (June 2007), effective July 1, 2007, LR 38:1256 (May 2012), LR 46:188 (February 2020).

§107. Requirements

A. Before any permit or registration may be issued from the office of the director, all applicants shall have complied with or agree to comply with the applicable requirements as follows.

1. Shall deposit filing fee of \$100 for Class I, I-E, IV and VI; \$50 for class VI-X and \$25 for all remaining permits. This fee shall accompany the application.

2. Formal application for a permit or registration shall be submitted to the office of the director.

3. Shall have proof of insurance on file in the office of the director on a commission proprietary certificate of insurance or one substantially equivalent issued by a Louisiana licensed agent in the minimum sum of \$1,000,000, in the classes of insurance as required by the commission. This certificate of insurance shall indicate the type and amount of coverage. This policy of insurance shall meet the proof of insurance as required by the commission. Said certificate shall be considered evidence of liability insurance coverage; said certificate shall state that in the event the insurance company cancels the insurance policy, the insurance company shall notify the office of the director 10 days prior to the date of cancellation. A binder of insurance coverage shall be acceptable as proof of insurance until the policy is issued and a certificate of insurance is issued. The \$1,000,000 requirement shall be effective on the first proof of insurance required after November 1, 2003. The commission shall provide the proprietary certificate of insurance form on its public web site for downloading or shall provide copies of the proprietary certificate of insurance form via facsimile or via U.S. mail upon request. In lieu of the certificate of insurance for automobile liability, the commission may accept a certificate of self-insurance issued by the office of motor vehicles.

a. In lieu of such liability insurance coverage, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or by the federal government, in the minimum sum of \$1,000,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue;

b. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4.a. Where applicable, storage tank and location shall be approved by the commission's authority having jurisdiction.

b. All sketches or drawings of proposed bottle filling plants and/or liquid withdrawal systems shall be submitted to the office of the director and approved before system is put into operation.

5.a. Where applicable, applicant shall provide adequate transport and/or delivery trucks satisfactory to the commission. Each transport and/or delivery truck shall be registered in accordance with commission rules and regulations, LAC 55:IX.166.

b. All sketches of proposed installations, as required in other Sections of these regulations, shall be submitted to the office of the director, showing all details of the proposed installation governed by these regulations. Sketches or drawings shall be submitted to the office of the director and approved before installation may begin. The commission

reserves the right to make a final inspection and witness a pressure test by an inspector of the commission.

c. Each location of Class I, Class I-E, Class VI and Class VIII dealers, which fill DOT specification cylinders of 200 lbs. or less, liquefied petroleum gas capacity, that are in commerce or transportation, shall provide a suitable weighing device (scales).

6. Applicants shall have paid a permit fee in the amount of \$150, Class I-E and Class III which shall be \$500 and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$150 for each location. For fiscal year 2014-2015, and for each subsequent fiscal year, the permit fee shall be 0.1369 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$150 for each location. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$150, except registrations shall be \$37.50 per year.

a. Each class I and class IV dealer shall prepare and submit reports to the commission of each three month period within their annual permit fee calculation period, by the end of the month following each three-month period, in a form acceptable to the commission, the previous three month's purchases and sales. An additional five calendar days shall be granted for mail delays before a violation is issued.

b. The reports of class IV dealers shall contain the purchases and sales indicated by total dollars and by company name. The reports of Class I dealers shall contain the purchases by total dollars and by company name and sales by total dollars only.

c. Any information so furnished shall be considered and held confidential and privileged by the commission, its director and/or his employees.

7. Persons in charge of operations shall furnish proof satisfactory to the commission and the office of the director, that they have had experience in and are familiar with and will abide by all safety precautions necessary in the conducting of the business for which they are granted a permit.

8. All service and installation personnel, fuel transfer personnel, carburetion mechanics and tank truck drivers shall have a card of competency from the office of the director. All permit holders, except class III and VI-X permit holders, shall have at least one card of competency issued to their permit. The commission may waive the one card of competency until the dealer commences operations in the state. A card of competency shall be issued to an applicant upon receipt of a \$20 examination fee and successfully passing the competency test, providing the applicant holds some form of identification acceptable to the commission. The commission may accept as its own a reciprocal state's examination which contains substantially equivalent requirements. This shall be evidenced by a letter from the issuing authority or a copy of a valid card issued by the reciprocal state. All applicable fees shall be paid prior to issuing the card.

a. All cards of competency shall be renewed annually by the permit holder. There is a charge of \$10 per card. After expiration, there is a penalty of \$3 per card. There is a charge of \$10 for replacing a lost card, a change of employer name or change of company name. A card with an improper employer or company name shall not be valid.

b. All employees who are qualified by this commission and have been issued certificates of competency, shall have their certificates of competency on their person while on duty. Should an employee lose his card, dealer shall notify this office within 10 days for the issuance of a new card. If an employee terminates his employment with the dealer for whom the card is issued, the card shall be picked up by the dealer and returned to this office immediately.

c. The following shall be mandatory training requirements in order to maintain a certificate of competency in Louisiana.

i. New Hires

(a). Certified Employee Training Program (CETP) or commission approved alternatives shall be the basis of all new hire training, which is not grandfathered.

(b). In addition to the standard commission competency test which is required prior to beginning work unsupervised, all certificates of competency holders of Class 1 permit holders with certificates of competency with the following names: delivery truck driver, manager exam, installation and service, and delivery truck driver/limited service shall pass the CETP Basic Test or commission approved alternative training program within one year of their hire date. Up to two years provisional certificates of competency may be issued by the commission. Other commission certificates of competency, namely serviceman recreational vehicles, transport truck driver, motor fuel and carburetion installation, welding and metal working industry, cylinder delivery truck driver, cylinder re-qualification, and all combined certificates containing the immediate before named certificates of competency are exempt from this provision.

(c). Training may be given by the individual companies or may be given by an outside firm and individual companies may use any method they choose to train their employees on the CETP Basic Program, if used. This may include, but is not limited to, e-learning, CDs, manuals, classroom instruction or any combination thereof.

(d). The CETP Basic Test, if used, shall be proctored by a licensed proctor.

(e). Proof of a passing grade, for purposes of certification, shall be maintained in dealer employee file. The employer shall maintain this record until one year after the employment has terminated.

(f). Individuals who have held a certificate of competency with the commission for five consecutive years or longer are exempt from the CETP Basic test new hire

provision; however, they shall meet the continuing education training provisions.

ii. Continuing Education

(a). Class I employees with a commission certificate of competency shall have six hours of approved continuing education every year in order to maintain their certificates of competency.

(b). This training shall include training that is most tailored for the particular functions the employee does on a normal and routine basis. This may include CETP modular training classes, defensive driving classes, equipment certification classes, pipe sizing classes, leak check classes and other similar training pre-approved and assigned credit time by the commission.

(c). All training approved by the commission shall be in objective format such as written, video with audio, or audio only. Each training class will be assigned credit time value for meeting time requirements of this Section.

(d). This training may be done in-house by the dealer, by outside sources, or by commission inspectors.

(e). Proof of a passing grade, for purposes of certification, shall be maintained in dealer employee file. The employer shall maintain this record until one year after the employment has terminated.

9. Shall have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

10. Where applicable, shall provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be Underwriters Laboratory approved for liquefied petroleum gases. If equipment is not approved, drawings and descriptions shall be submitted to the office of the director for his approval before installation.

11. Applicants for change of name shall deposit a filing fee of \$25 with a formal application for a name change. The office of the director shall administratively grant the name change after all commission requirements are met. The commission shall ratify the name change at the next commission meeting after which a minimum of 20 days have elapsed since the administrative granting of the name change. A representative of the new firm or corporation shall be required to be present when the application is ratified by the commission, except in the cases of Class VI-X, and R-1 and R-2 registrations, when appearance is waived. All certificates of competency shall be changed to new name, except Class VI-X which does not require certificates of competency.

12. Any permit holder who does not actively engage in business for which permit was granted, for a period of six

consecutive calendar months, may have his permit revoked by the commission.

13. The commission shall grant Class I and Class I-E Liquefied Petroleum Gas permits to nonresident applicants only after the commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

14. All Class I, Class VI, Class VI-X, and Class VIII permit holders shall accept, for proper disposal or requalification, all 4 lb. through 40 lb. liquefied petroleum gas cylinders from consumers, when offered, which are not suitable for continued service in their present condition. Class I permit holders who supply liquefied petroleum gas to Class VI, Class VI-X and Class VIII permit holders shall accept and properly dispose of or requalify all 4 lb. through 40 lb. liquefied petroleum gas capacity cylinders when offered by their Class VI, Class VI-X, or Class VIII permit holders for disposal or requalification. Those cylinders offered for disposal or requalification become the property of the permit holders accepting the cylinder. It is the responsibility of the Class I permit holders to properly dispose of the cylinders which are not or cannot be requalified.

15. All classes of permit or registration holders shall display a copy of their permit in a prominent area at all locations utilizing said permit.

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HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1140 (June 2007), effective July 1, 2007, LR 35:2201 (October 2009), LR 35:2465 (November 2009), LR 38:1256 (May 2012), LR 41:395 (February 2015), LR 42:427 (March 2016), LR 42:1671 (October 2016), LR 43:967 (May 2017), LR 46:188 (February 2020), LR 47:481 (April 2021).

§109. Compliance with Rules

A. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement for all permit holders.

B. The commission may assess a civil penalty of not less than \$100 nor more than \$1000 for each violation of the rules and regulations adopted by the commission. Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its ruling in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

C. In lieu of the adjudicatory hearing required in §109.B, the commission may accept an affidavit signed by the party being cited for a violation, prior to the hearing date set for the charge, waiving their right of appearance, with a plea of guilty to a charge, and with the payment of a proposed penalty as set forth in the notice issued by the commission. Regarding violations involving fees, the fee and any interest and penalty on those fees shall be paid in addition to the proposed civil penalty for the violation. This option shall not be available after the hearing date.

D. The commission reserves the right to conduct a full adjudicatory hearing regarding any violation of its rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 25:2411 (December 1999), LR 31:2567 (October 2005), LR 38:1259 (May 2012), LR 46:188 (February 2020), LR 47:482 (April 2021).

§111. Re-Application

A. Any person, firm or corporation who has made application for a permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application 90 days after the date of denial, with the exception of a Class I-E permit application. Any person, firm or corporation who has made application for a Class I-E permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application any time during the same disaster and/or emergency that the initial permit application was submitted to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:633 (December 1981), LR 38 1259 (May 2012), LR 47:482 (April 2021).

§113. Classes of Permits and Registrations

A. The commission shall issue upon application the following classes of permits and registrations upon meeting all applicable requirements of §107 and the following:

1. Class I. Holders of these permits may enter any phase of the liquefied petroleum gas business.

a. Shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. Holders of these permits shall provide a storage capacity for liquefied petroleum gas of not less than 15,000 gallons in one location, under fence, located within the dealer trade area within the state of Louisiana, and shall

show evidence of ownership of storage tank or a bona fide lease of five years minimum. This requirement shall not be retroactive.

c. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

d. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

e. Compliance with all other applicable rules and regulations is a mandatory requirement.

f. The name of the dealer shall appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer. At consumer premises, where the tank or the container is owned by the dealer, the dealer's name shall be affixed. This requirement is considered met if documentation is provided, upon demand, that the dealer's name was affixed at the time of installation. Consumer premises requirement is not retroactive.

2. Class I-E. Holders of these permits may enter any phase of the liquefied petroleum gas business. These permits shall only be granted during an emergency and/or disaster. These permits are valid for 90 days from the date of issuance. Permits may be renewed prior to the expiration date of the permit during the course of the emergency and/or disaster that it was initially applied for.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

e. The name of the dealer shall appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer. At consumer premises, where the tank or the container is owned by the dealer, the dealer's name shall be affixed. This requirement is considered met if documentation is provided, upon demand, that the dealer's name was affixed at the time of installation. Consumer premises requirement is not retroactive.

3. Class II. Holders of these permits may install and service liquefied petroleum gas containers, piping, and appliances but shall not sell nor deliver gas with this permit.

This class is also applicable to the installation and service of liquefied petroleum gas containers, piping, and appliances on mobile homes, modular homes, manufactured homes, motor homes, travel trailers homes or any other recreational vehicles.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. motor vehicle liability.

b. Louisiana manufacturers and dealers of mobile homes, manufactured homes, modular homes, motor homes, travel trailers, or any recreational vehicles shall comply with all state and federal safety standards and perform all safety tests on mobile homes, modular homes, manufacture homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

c. Upon delivery of a mobile home, manufactured homes, modular homes, motor home, travel trailer, or any other recreational vehicle, new or used, the required installation report and inspection and testing of any liquefied petroleum gas system and appliances shall be performed by the dealer or any entity performing functions as a dealer using liquefied petroleum gas in the system. An installation report properly completed and signed by the customer or his/her authorized representative shall be sent to the office of the director verifying that the tests were performed and that the test was eye witnessed by the customer or his/her authorized representative.

d. The mobile home, manufactured homes, modular homes or recreational vehicle dealer or entity performing functions as a dealer shall have a permit with this commission and is responsible to this commission to make the required installation report, perform the required inspection and safety tests, or make arrangements for it to be made by a qualified permit holder.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

4. Class III. Brokers/Special Vendors. Holders of these permits may purchase liquefied petroleum gas only from dealers who hold a valid liquefied petroleum gas permit and resell the aforementioned purchased liquefied petroleum gas product to end users utilizing floor maintenance machines and/or industrial trucks (forklifts) on their premises. Holders of these permits shall not deliver gas or engage in repairing liquefied petroleum gas containers or systems.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Shall submit a completed "location approval form" for each physical location being served, with a handling fee of \$150 for each location being served.

c. Compliance with all other statutes, rules and regulations is a mandatory requirement.

d. Shall provide 24-hour emergency contact information at each liquefied petroleum gas storage location. The person deemed the emergency contact shall have basic knowledge regarding liquefied petroleum gas emergencies and shall maintain contact information per the servicing liquefied petroleum gas supplier.

e. The Class III permit holder shall post the servicing liquefied petroleum gas supplier's name (name on Louisiana liquefied petroleum gas permit) at each liquefied petroleum gas storage site and each end user's location.

5. Class IV. Resellers (Wholesalers). Holders of these permits may deliver and transport liquefied petroleum gas over the highways of the state; may sell liquefied petroleum gases only to manufacturers of liquefied petroleum gases, or manufacturers of products which liquefied petroleum gases form a component part, or to dealers who hold a permit with this commission; utilize aboveground steel storage and/or approved salt dome, shale and other underground caverns for the storage of liquefied petroleum gases; do general maintenance work on their equipment, using qualified personnel, but shall not sell or install systems and appliances.

a. Shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

6. Class V. Carburetion Permit. Holders of these permits may install equipment, including containers, and service liquefied petroleum gas equipment used on internal combustion engines. They shall not deliver liquefied petroleum gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

7. Class VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with liquefied petroleum gas on their premises, but shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. The name of the dealer shall appear on storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

8. Class VI-X. Holders of these permits may engage in the exchange of approved liquefied petroleum gas cylinders on their premises, but shall not fill cylinders. They shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit shall be issued.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

9. Class VII. Holders of these permits may transport liquefied petroleum gas by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per automobile liability coverage.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. The name of the dealer shall appear on all tank trucks which require registration with the commission.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

10. Reserved.

11. Class VIII. Holders of these permits may store, transport and sell liquefied petroleum gas used solely in the cutting and metal working industry, sell and install piping and containers for those gases and engage in the filling of approved ASME tanks, ICC or DOT containers used in the metal working industry.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products, manufacturers and contractors, and automobile liability coverage.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

12. Class IX. Holders of these permits may inspect, recertify and recondition DOT and ICC cylinders. They shall not sell or deliver liquefied petroleum gas or anhydrous ammonia.

a. Holders of these permits shall obtain from DOT a retesters identification number, and provide proof of such to the commission.

b. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

c. Holders of these permits shall provide drawing and description of equipment to be installed to retest cylinders. Drawing and description shall be submitted to the office of the director for his approval before installation.

d. Holders of these permits shall maintain an accurate log of all cylinders that have been retested by date, size, manufacturer name, and serial number. The commission reserves the right to inspect such logs at any time through its representative.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

13. Registration 1 (R-1). Holders of these registrations shall be a person, firm, or corporation who is engaged in the business of plumbing and holds a master plumber's license issued by the state of Louisiana. They may install liquefied petroleum gas or anhydrous ammonia piping and make alterations or modifications to existing piping systems. These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

14. Registration 2 (R-2). Holders of these registrations shall be a person, firm, or corporation engaged in the mechanical contracting business. They may install liquefied petroleum gas and/or anhydrous ammonia appliances and equipment, and make alterations or modifications to existing liquefied petroleum gas and/or anhydrous ammonia appliances and equipment. These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products and manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended and promulgated LR 3:315 (July 1977), amended LR 7:633 (December 1981), LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993), LR 20:1400 (December 1994), LR 21:701 (July 1995), LR 24:461 (March 1998), LR 25:2411 (December 1999), LR 29:2509 (November 2003), LR 33:1141 (June 2007), effective July 1, 2007, LR 38:1259 (May 2012), LR 41:395 (February 2015), LR 43:967 (May 2017), LR 46:188 (February 2020).

Subchapter B. Dealers

§115. Compliance with Rules and Act

A. All dealers who fail to comply with R.S. 40:1841 et seq., and the rules and regulations of the commission may have their application for permit denied or their permit suspended and/or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989), LR 24:464 (March 1998), LR 38:1261 (May 2012).

§117. Revocation of Permits

A. The commission may revoke or suspend a permit only by a ruling of the commission based on an adjudication hearing held in accordance with the Administrative Procedure Act. The following are causes for revocation or suspension of a permit:

1. when the commission has assessed two or more penalties against a dealer for willful violation of or failure to comply with such rules and regulations, provided the second or succeeding penalty or penalties have been imposed for violations of or failure to comply, were committed after the imposition of the first penalty;

2. willful or knowing violation of a rule or regulation of the commission which endangers human life or health;

3. failure to properly odorize gas as required by R.S. 40:1846;

4. failure to provide insurance or proof of insurance as required;

5. failure to pay permit fees as required;

6. failure to pay any civil penalty imposed by the commission under provisions of R.S. 40:1846.1(E) within 30 days after the assessment becomes final.

B. The commission shall give 15 days written notice of the date, time and location of a hearing to deny, suspend or revoke a permit, or to impose a fine.

C. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under provisions hereof in the same manner as if no such permit had ever been issued.

D. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which violation which gave rise to the suspension or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:464 (March 1998), LR 38:1261 (May 2012).

§119. Permit Fees

A. All fees pursuant to R.S. 40:1849 shall be paid before a new permit will be issued each year, with the exception of a Class I-E permit. For a Class I-E permit, all fees shall be paid prior to a renewal permit being issued by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 16:1063 (December 1990), LR 38:1262 (May 2012), LR 47:484 (April 2021).

§121. Expiration of Permit

A. All permits or registrations shall expire at midnight on the date of their expiration.

B. All permits or registrations renewed after their expiration date shall have an administrative penalty of 5 percent of the assessed permit or registration fee for each month or fraction thereof, not to exceed 25 percent of the amount of the assessed permit or registration fee.

C. All permits or registrations renewed after their expiration date shall have administrative interest of 1 percent of the assessed permit or registration fee added for each month or fraction thereof to the amount of the permit or registration fee due.

D. Five days after the expiration of a permit or registration fee renewal date, any dealer continuing in operation without the payment of the fee, administrative penalty, and/or administrative interest due shall be considered as operating in violation of R.S. 40:1841-1853 and the rules and regulations of the commission. The commission may assess a civil penalty in accordance with R.S. 40:1846.1.E or any applicable provision of LAC 55:IX.117.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 16:1063 (December 1990), LR 24:464 (March 1998), LR 27:422 (March 2001), LR 38:1262 (May 2012).

§123. Qualified Personnel

A. All service, installation, fuel transfer personnel, carburetion mechanics, transport and delivery truck drivers shall have a card of competency from the office of the director. New employees shall not make installations, service equipment, handle or deliver gas until they have passed the examination given by the office of the director or furnished proof to the office of the director of their qualifications by another qualified agency acceptable to the commission and a card showing their competency has been issued to them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:464 (March 1998), LR 38:1262 (May 2012).

§125. Report Accidents and Fires

A. Any accident involving liquefied petroleum gas or the transportation of liquefied petroleum gas which causes injury to employees, property damage, or injury to other persons or an accidental release of liquefied petroleum gas reportable under the Louisiana Right-To-Know Law shall be reported by that dealer in writing to the office of the director as soon as possible but not later than 48 hours after the accident. The office of the director shall accept, in lieu of the required report in writing, data and information from the information system established under the Hazardous Materials Information Development, Preparedness and Response Act.

B. Any fire in which liquefied petroleum gas is directly or indirectly involved shall be reported in writing to the office of the director by the dealer servicing that installation within 48 hours of knowledge of the fire, preferably immediately, so that it can be investigated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR

24:465 (March 1998), LR 25:2412 (December 1999), LR 38:1262 (May 2012).

§127. Insurance

A. Insurance requirements for all persons, firms, or corporations with the same class permit or registration shall be the same. New dealer insurance requirements shall be the same as existing dealer requirements.

B. The commission may invoke the applicable provisions of §117 when insurance requirements are not met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998), LR 38:1262 (May 2012).

§129. Odorizing Gases

A. Odorization and verification of odorization in liquefied petroleum gases shall be in accordance with the following provisions.

1. Except as otherwise provided in this Subchapter, each refinery, commercial storage facility, natural gas processing plant, pipeline, or other person which sell liquefied petroleum gas to a transporter, dealer, or distributor for distribution into the distribution chain to consumers shall odorize the liquefied petroleum gas in accordance with the provisions of this Subchapter.

2. Liquefied petroleum gas shall not be required to be odorized if it is to be delivered to a manufacturer of products of which liquefied petroleum gas forms a component part, to any facility for further processing, to a commercial storage facility, a natural gas processing plant, a refinery, a pipeline, or when odorization would be harmful in further use or processing of the gas and would not serve a useful purpose as a warning agent in further use or processing of the gas.

3. Liquefied petroleum gas, which is required to be odorized, shall be effectively odorized by an approved agent of such character as to positively, by a distinctive odor, the presence of gas down to concentrations in air of not over one-fifth the lower limit of flammability. The presence of odorization, when required, shall be positively verified by the dealer by a sniff test or other means, and the results shall be documented prior to delivery into his bulk plant, or when a shipment bypasses a bulk plant, prior to delivery to a consumer. It is the intent of this Paragraph to prohibit the sale or delivery of liquefied petroleum gas by a dealer to a consumer without the required odorization.

4. The odorization requirement shall be considered to be met by the use of 1 pound of ethyl mercaptan, 1 pound of thiophane, or 1.4 pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas, subject to the provisions of Paragraph 5 of this Subsection.

5. In order to maintain the minimum concentrations of odorant in the liquefied petroleum gas at the point of use by the consumer, the rules and regulations recommend that each person who is required to odorize gas under this Section use

1 1/2 pounds of odorant per 10,000 gallons of liquefied petroleum gas at the point of odorization.

6. The only approved odorants are those specified in Paragraph 4 of this Subsection; however, the commission may authorize, by rule, the use of other odorants which are equal in effectiveness to the odorants specified in Paragraph 4 of this Subsection.

7. The commission shall require each person who transports liquefied petroleum gas that is exempt from the odorization requirements of this Section to keep records of all purchases of unodorized gas for 3 years. The records shall include bills of lading, loading tickets and records of all deliveries of unodorized gas. Each delivery ticket and bill of lading shall be identified by reference to the bill of lading number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:558 (May 1985), LR 29:2510 (November 2003), LR 38:1262 (May 2012).

§131. Compliance with Rules

A. Compliance with all other statutes, rules and regulations will be required for all permit holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 47:484 (April 2021).

§133. Shall Purchase Containers Manufactured by Manufacturers Acceptable to the Authority Having Jurisdiction

A. All liquefied petroleum gas containers purchased shall be manufactured by a manufacturer acceptable to the commission.

B. A manufacturer of liquefied petroleum gas containers shall be listed by the commission as acceptable when it has met or exceeded the requirements of chapter 5, NFPA 58, 2017 edition and provided documentation acceptable to the commission of the same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998), LR 38:1263 (May 2012), LR 42:427 (March 2016), LR 46:188 (February 2020).

§135. Condemnation of Tanks

A. Any liquefied petroleum gas storage container corroded, pitted or worn to 20 percent of the thickness of the head, shell plate, or stand pipe shall be condemned for further storage of liquefied petroleum gas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 38:1263 (May 2012).

§139. Liquefied Petroleum Gas Systems

A. A dealer shall not serve any liquefied petroleum gas system which the dealer knows is improperly installed or in a dangerous condition. All improper systems shall be corrected before the dealer services such system with fuel for the first time. A servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances that have been tested, checked and found in compliance with commission rules and regulations.

B. In the interest of safety and for the protection of life and property, any end user who authorizes the maintenance and/or repair, installation, adjustment, and servicing of a liquefied petroleum gas system in the state of Louisiana shall insure that any person, firm, or corporation that may be employed and/or authorized to make such repairs has a current permit or registration and cards of competency from the commission to perform maintenance and/or repair, installation, adjustment and/or servicing of that system.

C. Any end user authorizing any action listed in §139.B, where such actions are completed by any person, firm, or corporation other than the liquefied petroleum gas dealer who normally services the liquefied petroleum gas system, shall notify, as soon as possible, the servicing dealer authorized to service the affected liquefied petroleum gas system. This notification shall include:

1. name of the person, firm, or corporation that performed the service; and

2. actions taken to the affected liquefied petroleum gas systems such as adding piping, space heaters, and other such appliances. The end user shall make the described notification within five working days after completion of the action or before the liquefied petroleum gas system is next serviced with liquefied petroleum gas, whichever occurs first.

D. It is unlawful for any person, firm, or corporation to repair, install, adjust and/or service any liquefied petroleum gas system without meeting the requirements of the commission.

E. No person, firm, or corporation, except the owner, thereof, or person, firm, or corporation authorized in writing by said owner, shall fill, refill, buy, sell, offer for sale, give, take, loan, dispose of, or traffic in, a liquefied petroleum gas container or tank.

F. No individual shall be subject to a criminal fine or imprisonment under §139 as a result of any willful and wrongful acts of a fellow employee or subordinate employee whose willful and wrongful act was carried out without the knowledge of the individual. Whoever is found to be guilty of any of the following acts shall be fined not more than

\$50,000, or imprisoned with hard labor for not more than 10 years, or both:

1. willful or knowing violation of a rule or regulations of the commission which endanger human life or health;

2. failure to properly odorize gas or to verify the presence of odorant pursuant to R.S. 40:1846 and §129 of this Subchapter.

G. Anyone violating §139 shall also be liable for all damages resulting from any fire or explosion involving that shipment. The liability imposed by §139 shall not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of the liquefied petroleum gas.

H. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of, or failure to comply with, such rules and regulations, provided the second or succeeding penalty or penalties have been imposed for violations of, or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commission may suspend or revoke the permit of any person who fails to pay any civil penalty imposed by the commission under the provisions of R.S. 40:1846.1(E) within 30 days after the assessment becomes final. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred.

I. No dealer shall service a liquefied petroleum gas system, tank or another dealer after having received notification by the commission that the system, tank or dealer is not in compliance with these rules and regulations. An All Dealers (AD) letter which states that a system, tank or dealer is not in compliance posted on the commission's public website shall constitute notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989), LR 24:465 (March 1998), LR 29:2510 (November 2003), LR 38:1263 (May 2012).

§141. Customer Notification

A. Each dealer shall transmit a notice once each year to each customer stating that liquefied petroleum gas systems are potentially dangerous, that a leak in the system could

result in a fire or explosion, and that systems should be inspected periodically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:559 (May 1985), LR 38:1264 (May 2012).

§143. Inspections

A. Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:559 (May 1985), LR 38:1264 (May 2012), LR 42:428 (March 2016).

§145. Dealer Permit Requirements

A. Permits required under these general requirements shall not be transferred. All dealers, regardless of operation, shall hold a permit and are prohibited from operating under a permit of another dealer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:559 (May 1985), LR 38:1264 (May 2012).

Subchapter C. Manufacturers of Liquefied Petroleum Gas Containers

§151. Classification of Containers

A. Containers shall be designed and classified as provided in the applicable Sections of the Chapter 5, National Fire Protection Association Pamphlet Number 58, 2008 edition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:634 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:466 (March 1998), LR 38:1264 (May 2012).

Subchapter D. Forms and Reports

§159. Required Forms and Reports

A. The following forms and/or reports shall be filed with the Office of the Director.

1. Installation Reports shall be properly completed and witnessed by the customer or his/her authorized representative. This includes installed or re-installed tanks

and the completed form shall be maintained in the dealer's files. These documents shall be made available to the commission within 15 days of request. Pressure tests shall be documented on the installation report when a container is installed or reinstalled. In other cases where pressure tests are required (See §167 and §175), the pressure tests may be filed with the commission on an installation report form and noted as such. Documentation of pressure tests shall be maintained by the dealer.

2. Sketches shall be filed with the office of the director for initial approval. Final approval shall be granted by the office of the director after installation but prior to placing into service the following liquefied petroleum gas systems:

- a. dealer bulk storages;
- b. liquid withdrawal systems, except systems for private use;
- c. places of public assembly, schools, churches, hospitals, nursing homes and other similar systems (either liquid or vapor systems);
- d. automatic dispensers used for motor fuel as required by LAC 55:IX.163.C;
- e. sketches for Class VI-X installations shall be filed with the office of the director for initial approval. The commission reserves the right to allow this installation to be placed in service prior to final inspection. Upon inspection, if this installation is deemed to be out of compliance with the commission's rules and regulations, the servicing dealer shall remove all LPG cylinders from the installation within 24 hours. Dealer shall correct all deficiencies and then request a final inspection and approval of the installation. The installation shall remain out of service until final approval is granted by the commission.

3. reports of fires and accidents in accordance with §125.
4. documentation in accordance with §147.
5. proof of insurance or financial security in accordance with §107.A.3 or §107.A.3.a.
6. drawings in accordance with §113.A.11.c.
7. Reports in accordance with §107.A.6.a.
8. Location approval forms shall be in accordance with §113.A.3.b.

Location Approval Form

The submission of this form by a Class III dealer representative does not absolve the dealer of following the rules and regulations established by this Commission concerning the storage of liquefied petroleum gas. Due to the fact that all requisite details are not submitted regarding the storage locations referred to on this form, it is, therefore assumed when approval is made on the information submitted, details regarding information not provided will comply with all regulations. Any changes to the cylinder location will require a new form to be submitted.

Name of Class III dealer submitting this form: _____
Name of Dealer supplying gas: _____

Is storage location protected from vehicular impact? ☐ Yes ☐ No
Is storage location: _____ inside building or _____ outside building?

Is storage location the proper distance from electrical equipment, ignition sources, doors and windows? ☐ Yes ☐ No

Is Name of Class III Dealer, Supplier and 24 hour Emergency Contact on storage location? ☐ Yes ☐ No

Is all the proper signage displayed at storage location? ☐ Yes ☐ No

Does the public have access to the cylinder storage location? ☐ Yes ☐ No

If yes, please ensure sketch is submitted by properly permitted dealer.

Contact information for someone at cylinder location:

Name _____

Telephone Number _____

Please give brief description of storage area including distances to permanent reference points:

All information submitted on this form has been verified as correct, and it is understood that any changes to this form shall require a new form to be submitted.

Signed (person in charge of insuring correctness of this form)

X _____
Date: _____

FEE \$150.00

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:559 (May 1985), LR 15:861 (October 1989), LR 24:466 (March 1998), LR 38:1265 (May 2012), LR 41:395 (February 2015), LR 43:968 (May 2017).

Subchapter E. Automatic Dispensers Used for Motor Fuel

§163. Automatic Dispensers Used for Motor Fuel

A. All self-service automatic dispensing stations shall obtain a class VI permit with the LP Gas Commission before engaging in business.

B. The filling of ICC or DOT cylinders at a self-service site is prohibited.

C. Step-by-step operating instructions and fire emergency telephone numbers shall be posted in a conspicuous place in the immediate vicinity of the automatic dispenser.

D. All dispenser meters shall be calibrated at least once every two years. Calibration reports shall be retained by the dealer for at least three years. The commission reserves the right to review the calibration reports upon demand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1402 (December 1994), amended LR 24:467

(March 1998), LR 38:1265 (May 2012), LR 41:396 (February 2015).

Subchapter F. Tank Trucks, Semi-Trailers and Trailers

§165. Measurement

A. All trucks delivering liquefied petroleum gas for domestic use shall be equipped with a suitable measuring device which shall be used to accurately gauge the amount of gas placed in each system, either by meter or by weight.

B. Truck meters shall be calibrated at least once every two years or every 1 million gallons of gas delivered, whichever occurs first. Calibration reports shall be retained by the dealer in his truck file for at least three years. The commission reserves the right to review calibration reports upon demand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1402 (December 1994), amended LR 24:467 (March 1998), LR 38:1266 (May 2012).

§166. Truck/Delivery Truck Cargo Containers Compliance Requirements

A. Registration. Dealers that operate transport and/or delivery trucks in the state of Louisiana shall register each unit with the commission annually, the annual registration fee is \$50 for each unit registered. The annual registration period and procedure will be established by the Office of the Director of the commission. Any transport and/or delivery truck operating over the highways of the state of Louisiana with no registration decal or an expired registration decal affixed to the unit will be considered in violation of commission regulations and subject to penalties, this includes any unit operating beyond the established registration period without a current registration affixed to the unit. It is unlawful to load or unload any cargo unit not meeting commission regulations.

B. Safety Inspections. It is incumbent upon dealers and drivers to insure that all transports and/or delivery trucks being operated over the highways of Louisiana meet all federal and state requirements. The commission reserves the right to inspect any transport and/or delivery truck being registered at any time. Inspections may be performed by commission inspectors or a qualified agency acceptable to the commission. Dealer safety inspections performed by a commission inspector outside the state of Louisiana shall be solely at the discretion and procedures established by the Office of the Director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:467 (March 1998), amended LR 25:2412 (December 1999), LR 27:2256 (December 2001), LR 38:1266 (May 2012), LR 41:396 (February 2015).

§167. "Out-of-Gas Customers" or Interruption of Service Procedure

A. When a delivery of gas is made to any on-site container which is out of gas or the liquefied petroleum gas service was interrupted, the servicing dealer shall follow the following procedures.

1. When "out-of-gas customer" is not present and the container is serviced:

a. shut off the container service valve;

b. place a tag on the container and the residence, the building, or the equipment the container services indicating the container is out-of-service. The tag shall inform the gas customer to contact a liquefied petroleum gas dealer or other qualified agency to perform a leak check or test on the system as required before turning on the container. Further action is the responsibility of the customer. If the customer places the system back into service without the required test, he assumes liability for the system.

2. When "out-of-gas customer" is present and the container is serviced:

a. shut off the container service valve;

b. inform the gas customer the container is out of service and a qualified agency shall perform a leak check or test on the system as required before turning on the container. Further action is the responsibility of the customer. If the customer places the system back into service without the required test, he assumes liability for the system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:467 (March 1998), LR 33:1142 (June 2007), effective July 1, 2007, LR 38:1266 (May 2012).

§169. Maintenance

A. All piping and auxiliary equipment shall be maintained in good mechanical condition at all times so as to eliminate in so far as possible all hazards to safe operation.

B. Vehicles and all components of vehicles shall be maintained in good mechanical condition at all times so as to prevent hazards to safe operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), LR 38:1267 (May 2012).

Subchapter G. Systems Utilizing ASME and D.O.T. Containers

§171. Storage Capacity Requirements

A. The minimum capacity of above ground ASME storage containers shall be 100 gallon tank capacity for each 100,000 BTU appliance load. Tankless water heaters shall be

rated at 50 percent of their input rating when calculating appliance load. Exception: D.O.T. Containers of 4 lbs. though 100 lbs. capacity are exempt from this requirement when connected to small portable appliances or outdoor cooking appliances with input ratings of 100,000 btu/hr. or less. Other exceptions to this rule shall be approved by the director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 33:1142 (June 2007), effective July 1, 2007, LR 38:1267 (May 2012).

§172. Maintenance

A. ASME and DOT containers, container appurtenances, piping, and equipment connected thereto shall be maintained in good mechanical condition at all times. No leaks or unsafe conditions shall exist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 25:2412 (December 1999), amended LR 38:1267 (May 2012).

§175. Pressure Test, Leak Checks, and Inspection Required

A. Pressure Tests

1. Shall be performed on all new piping systems and on piping systems that has been modified or had new piping added.

2. The length of time of the pressure test shall be not less than 1/2 hour for each 500 cubic feet of pipe volume or fraction thereof, except when pressure testing less than 10 cubic feet of pipe volume or a single family dwelling, the duration of the test may be reduced to 15 minutes.

3. The test pressure of the Pressure Test shall be 1 1/2 times the proposed operating pressure of the system but in no case less than 3 psig.

4. There shall be no gain or loss in pressure during the test. If leakage is indicated, the system shall be repaired and a new pressure test performed before placing in service.

5. The pressure source shall be isolated before the test.

6. No underground piping shall be covered until after inspection and the pressure test are made.

7. Pressure tests shall be documented in the dealer's files.

B. Leak Checks

1. Low Pressure Leak Checks

a. Shall be used on systems that receive gas at pressures of 1/2 psig or less.

b. Shall be performed the first time a tank, piping system and appliances are connected for use.

c. Shall be performed in any suspected leak situation.

d. Shall be performed the first-time service of a new customer.

e. Shall be performed in all out-of-gas and interruption of service situations. A High Pressure Leak Check will be permitted in lieu of the Low Pressure Leak Check if the dealer has documented in his files a Low Pressure Leak Check within the past 12 months for that customer or has filed such documentation with the office of the director within the past 12 months for that customer.

f. The length of time for this test shall be 3 minutes.

g. The test pressure for this test shall be 9 inches + or - 1/2 inch of water column or equivalent.

h. Low Pressure Leak Checks shall be documented in the dealer's files.

i. This leak check shall include all regulators, including appliance regulators and control valves in the system. Accordingly each individual equipment shutoff valve should be supplying pressure to its appliance for this leak check. This leak check shall prove the integrity of the 100 percent pilot shutoff of each gas valve so equipped, so the manual gas cock of each gas valve incorporating a 100 percent pilot shutoff should be in the "on" position. Pilots not incorporating a 100 percent pilot shutoff valve and all manual gas valves not incorporating safety shutoff systems shall be placed in the "off" position prior to this leak check.

j. When leakage is indicated, repairs shall be made and a new leak check performed before placing the system back into service.

k. The following protocol shall be used for performing this leak check. Insert a water manometer or equivalent gauge into the system downstream of the final stage regulator, pressurizing the system with either fuel gas or another approved test medium to full operating pressure, close pressure service valve, observe gauge reading, lockup, should be between 10-14 inches of water column or equivalent, then release enough test medium through a range burner or other suitable means to drop the system pressure to 9 inches + or - 1/2 inch in water column or equivalent. This ensures that all regulators are unlocked and the entire system is communicating to the gauging device. There shall be no loss or gain in pressure for a period of three minutes.

2. High Pressure Leak Checks

a. This leak check may be used on a system that receives gas at 1/2 psig or less, when a Low Pressure Leak Check has been performed and documented within the past 12 months by the dealer for that system. This type leak check may be performed once annually when access to the gas utilization equipment is not accessible.

b. This leak check may be used on systems that receive gas at pressures greater than 1/2 psig but less than tank pressure.

c. The length of time for this leak check is 3 minutes.

d. The test pressure for this leak check is 10 pounds below tank pressure.

e. These tests shall be documented in the dealer's files.

f. When leakage is indicated, repairs shall be made and a new leak check performed before placing the system into service.

g. The following protocol shall be used for this leak check. By inserting a pressure gauge between the container gas shutoff valve and the first stage regulator in the system, admitting full container pressure to the system and then closing the container shutoff valve. Enough gas should then be released to lower the pressure reading by 10 psi. System should then be allowed to stand for 3 minutes without an increase or decrease in the pressure gauge reading. This method will indicate if there is an open line, open valve, a standing pilot open or leak anywhere in the system and can be used only under the conditions stated in §175 B(2)(a) and (b) of this Section.

3. In out-of-gas or interruption of service situations and a leak check cannot be performed by the dealer, the procedure in §167 of this Code shall be used or the container cannot be serviced.

C. Inspections

1. Inspections shall be performed any time a pressure test, a high pressure leak check, or a low pressure leak check is performed. Exception: if the dealer has documented in his files an inspection of the system within the past 12 months for that system, no inspection is required.

2. Inspection shall include installation workmanship, all visible piping materials, connectors, appliances and other materials to ensure all materials, connectors, valves and appliances are approved for liquefied petroleum gas use.

3. Inspection shall include proper appliance installation and proper flame performance characteristics for the appliances.

4. Any materials, connectors, valves, appliances, or installation workmanship not in compliance with the codes shall be repaired, replaced, or disconnected.

5. Documentation that the inspection was performed shall be made by the dealer and retained in his files.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:468 (March 1998), LR 24:2312 (December 1998), LR 29:2510 (November 2003), LR 33:1142 (June 2007), effective July 1, 2007, LR 38:1267 (May 2012).

§177. Appliance Installation and Connections

A. Use of Approved Appliances. Domestic and commercial gas consuming appliances shall not be installed

unless their correctness to design, construction and performance is certified by one of the following:

1. determined by a nationally recognized testing agency adequately equipped and competent to perform such services and shall be evidenced by the attachment of its seal or label to such gas appliance. This agency shall maintain a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories (AGA) as evidenced by the attachment of its listing symbol or approval seal to gas appliances and a certificate or letter certifying approval under the abovementioned requirements or listing by Underwriter's Laboratories Inc. (UL) be considered as constituting compliance with the provisions of this Section;

2. approved by the commission.

B. Appliance Installation and Connection

1. An appliance shall be installed in accordance with its manufacturer's instructions.

2. In the absence of complete manufacturer's instructions on installation of any appliances, installation shall be in accordance with the edition of NFPA Number 54, the National Fuel Gas Code, adopted by the commission.

C. Exceptions

1. Existing installations, where piping outlets and appliances were installed in accordance with regulations which were in effect at the time of such installation, shall remain approved. This exception includes the removal of existing appliances for servicing or replacement of appliances with the same type or of equal or better quality. This exception does not allow adding new piping, appliance locations, or new appliances where there was no pre-existing appliance without meeting §177A. and B.

2. Installation of Heaters in Residences. The following liquefied petroleum gas room heaters may be installed in a residence that is a one or two family dwelling and that is not a manufactured home, mobile home, or a modular home.

- a. A listed wall-mounted liquefied petroleum gas unvented room heater equipped with an oxygen depletion safety shut-off system may be installed in the bathroom of a one or two family, residential dwelling provided that the input rating shall not exceed 6,000 Btu per hour, and combustion and ventilation air is provided in accordance with Paragraph 10.1.2 of the National Fuel Gas Code, NFPA-54, that the commission adopted.

- b. A listed wall-mounted liquefied petroleum gas unvented room heater equipped with an oxygen depletion safety shut-off system may be installed in the bedroom of a one or two family, residential dwelling provided that the input rating shall not exceed 10,000 Btu per hour, and combustion and ventilation air is provided in accordance with Paragraph 10.1.2 of the National Fuel Gas Code, NFPA-54, that the commission adopted.

3. Liquefied petroleum gas room heaters may be installed in used manufactured homes, mobile homes and modular homes as follows if they are:

- a. liquefied petroleum gas listed vented heaters equipped with a 100 percent safety pilot and vent spill switch; and
- b. liquefied petroleum gas listed unvented room heaters equipped with a factory oxygen depletion safety shut-off system; and
- c. they are not installed in sleeping quarters or bathrooms; and
- d. their installation is not prohibited by the appliance manufacturer's instructions; and
- e. the input rating of the heater(s) does not exceed 20 Btu per hour per cubic foot of space; and
- f. combustion and ventilation air is provided as specified in Part 9.3 of the National Fuel Gas Code, NFPA-54, 2018 edition, that the commission has adopted.

4. Exceptions, other than those listed herein, shall be approved by the director of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:469 (March 1998), LR 25:2412 (December 1999), LR 38:1268 (May 2012), LR 46:189 (February 2020).

Subchapter H. Specification for Liquefied Petroleum Gas Installations at Schools and Places of Public Assembly

§179. Requirements for Plans and Specifications

A. Sketches and specifications including plot plans shall be submitted to the office of the director for approval before installation.

B. Sketch and specifications shall show the following:

1. type of building (frame, masonry, metal walls, etc.);
2. elevation from ground level to building;
3. the size and location of all gas piping and length of runs;
4. the size and location of the tank or container;
5. the location and Btu rating of all appliances;
6. the total Btu load;
7. all other details related to the proposed installation as required in §179.

C. The following is a clarification of the requirements for new sketches at schools, churches, nursing homes, and other places of public assembly.

1. Where any additional piping is added, the installation of a new appliance or the change out of an appliance with one with a higher BTU load, a new sketch is required to be submitted to the office of the director for approval.

2. Replacement of a storage tank or container requires a new sketch to be submitted to the office of the director for approval.

3. A new sketch is required when changing fuel suppliers at all places of public assembly, even when no changes are made in the liquefied petroleum gas system.

D. In all cases, an installation report is required with the installation of a container, tank, or cylinder at schools, churches, nursing homes, and other places of public assembly.

E. The commission reserves the right to make a final inspection and witness a pressure test through an inspector of the commission before approving the sketch and allowing the system to be placed into service at all schools, churches, nursing homes, and other places of public assembly.

F. The minimum capacity of storage containers, tanks, or cylinders shall be 100 gallons capacity per each 100,000 Btu appliance load at all schools, churches, nursing homes, and other places of public assembly. Exceptions to this rule may be made by the director of this commission.

G. Fences are required for storage containers, tanks, and cylinders at all schools, all nursing homes, and all churches with schools or day-care facilities on site. Fences may be required at other places of public assembly when deemed necessary in the interest of public safety by the office of the director. The commission may approve a request for an exemption from the fencing requirements under extenuating circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1404 (December 1994), amended LR 24:470 (March 1998), LR 31:2568 (October 2005), LR 38:1269 (May 2012).

Subchapter I. Adoption of Standards

§181. National Fire Protection Association Pamphlet Numbers 54 and 58

A. The Liquefied Petroleum Gas Commission hereby adopts the *National Fuel Gas Code*, 2018 edition. The National Fire Protection Association designation is NFPA 54 2018. The Liquefied Petroleum Gas Commission also adopts the *Liquefied Petroleum Gas Code*, 2017 edition. The National Fire Protection Association designation is NFPA 58 2017 edition.

B. The commission may adopt subsequent editions of these standards by a rule change in accordance with the Administrative Procedure Act.

C. Any published Liquefied Petroleum Gas Commission rules and regulations shall take precedence over the standards referenced and adopted in §181.A.

D. The commission reserves the right to make an exception to §181.A, as it applies to local conditions as it deems necessary in the interest of public safety.

1. Any installation that is in use and was installed in Louisiana that meets previous rules and regulations promulgated by this commission may remain in use until the systems require evacuation or replacement. Upon evacuating or replacing any installation, the system shall comply with §181.A.

E. The following are exceptions to the code and standards referenced in §181.A.

1. Pursuant to §6.27.3.16, *Shut-Off Valve on End of Transfer Hose*, NFPA 58-2017 edition, the provisions of §6.27.3.16 shall be considered met in Louisiana if a listed quick-acting shut off valve with positive lock off or a listed globe valve is installed at the discharge end of the transfer hose.

2. Pursuant to §7.4.3.1, NFPA 58-2017 edition, the maximum permitted filling limit for any container, where practical, shall be determined by weight. DOT specification cylinders of 200 lbs. propane capacity or less that are in commerce or transportation shall be filled by weight only. Exceptions:

a. DOT cylinders filled from bobtails at customer facilities, if equipped for filling by volume and are not transported over the highways of the state of Louisiana. An example is forklift cylinders filled by bobtails and used on premises and not placed in transportation over the highways of the state of Louisiana;

b. DOT cylinders filled by customers from customer tank facilities, if equipped for filling by volume and are not transported over the highways of the state of Louisiana. An example is forklift cylinders filled by customers from their tanks and used on their premises and not placed in transportation over the highways;

c. DOT cylinders that are permanently affixed if equipped for filling by volume. Examples are motor fuel tanks or DOT cylinders permanently affixed to recreational vehicles.

3. Pursuant to §9.3.2.9, NFPA 58-2017 edition, clarification for cylinders being transported. Liquefied petroleum gas cylinders having a 4 pound liquefied petroleum gas capacity or greater shall be transported having the relief valve in communication with the vapor space of the cylinder.

4. Pursuant to §8.4.2.2, NFPA 2017 edition, the following provisions shall be met:

a. All curb stops used as crash protection shall be at least 5 feet from the cage, 5 inches high and staked into the ground.

b. All posts, if used as crash protection, shall be metal at least 2 inches in diameter, 20 inches above ground level, at least 2 feet from the cage and no more than 4 feet apart.

c. Each cage shall have a "No Smoking" sign, the name of the permit holder and the suppliers name affixed to the cage.

d. All ignition sources, including any appliances, or the cabinets of appliances, such as coke machines, water coolers, electric dispensing machines etc., shall be at least 5 feet from the cage.

e. Cages shall be at least 5 feet from points of public gatherings such as pay phones, benches, smoking areas, and break areas.

f. Cages housing L.P. Gas Dot cylinders shall be located a minimum of 5 feet from any line of adjoining property.

5. Pursuant to §6.8.1.6, *Flotation Prevention-Clarification*, NFPA 58-2017 edition, installations requiring flotation prevention measures may use either the commission's guidelines or use methods or products from a qualified agency with proper documentation acceptable to the commission.

6. Pursuant to §6.21.2.1, *Installation of Liquid Transfer Facilities*, NFPA 58-2017 edition, when vented liquefied petroleum gas is used as the sole method of transferring liquid liquefied petroleum gas from one container to another (i.e. pressure differential, gravity filing), the distances in table 6.7.2.1 shall be doubled.

7. Pursuant to §6.26, *L. P. Gas on Vehicles (other than engine fuel systems)*, NFPA 58-2017 edition, the office of the director may establish inspection procedures (including decals of approval) for mobile units utilizing liquefied petroleum gas to fuel appliances. These inspection procedures would be in addition to applicable regulations of NFPA 58, 2017 edition.

8. Pursuant to NFPA 58-2017 edition, *Vehicle Barrier Protection (VBP)*, as defined in Section 3.3.88 and to protect containers from vehicular impact installed in the scope of Chapter 6 of the this edition, including but not limited to *Vehicle Fuel Dispensers and Dispensing Systems* in Section 6.27, dealers may use either the commission's guidelines established, or use methods or products from a qualified agency, including engineers with proper documentation acceptable to the commission that adequate vehicle barrier protection has been provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1404 (December 1994), amended LR 24:470 (March 1998), LR 25:1263 (July 1999), LR 25:2412 (December 1999), LR 27:2257 (December 2001), LR 31:2568 (October 2005), LR 37:913 (March 2011), LR 38:1269 (May 2012), LR 46:189 (February 2020).

§183. Use of Liquefied Petroleum Gas as a Refrigerant Prohibited

A. No person, firm, or corporation shall use, sell, or distribute liquefied petroleum gas for use in mobile air conditioning systems.

B. Hydrocarbon refrigerants containing liquefied petroleum gasses is strictly prohibited for sale, storage inside buildings and use in refrigeration systems within the borders of the state of Louisiana. Specific exceptions to this regulation can be found in the United States Environmental Protection Agency (EPA) regulations 40 CFR Part 82.

C. To determine if a refrigerant is liquefied petroleum gas, the proper shipping name shall be used. Proper shipping names with a U.N. number and a hazard class and division number of liquefied petroleum gas per the DOT hazardous materials tables shall be prima facie evidence that the refrigerant is liquefied petroleum gas and is prohibited.

D. Any advertising or other literature published by the manufacturer of a refrigerant promoting it as a replacement or drop-in for CFR-12 or HFC 134a, or both, shall be prima facie evidence that it is being sold for mobile air conditioning systems and is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 23:990 (August 1997), amended LR 29:2511 (November 2003), amended LR 38:1271 (May 2012), LR 42:428 (March 2016).

Chapter 2. School Bus and Mass Transit Installations [Formerly Chapter 12]

Editor's Note: This Chapter applies to liquefied petroleum gas systems supplying liquefied petroleum gas to propel school buses and mass transit vehicles.

§201. Registration/Inspection of School Bus/Mass Transit Vehicles

A. Prior to placing in service any school bus or mass transit vehicle installed with a liquefied petroleum gas system used as a motor fuel system, the owner shall register the unit with the Office of the Director or the LP Gas Commission. The Office of the Director shall establish a procedure to register, perform inspections, and affix decals on these vehicles on a periodic basis.

B. It shall be a violation of commission regulations for an owner to operate any school bus/mass transit vehicle which is propelled by liquefied petroleum gas, to which a current registration decal is not permanently affixed.

C. A liquefied petroleum gas dealer or owner shall not fuel any school bus/mass transit vehicle which is propelled by liquefied petroleum gas to which a current registration decal is not permanently affixed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 18:866 (August 1992), amended LR 24:471 (March 1998), LR 26:1488 (July 2000), LR 38:1271 (May 2012), LR 41:396 (February 2015).

§205. Installation of Liquefied Petroleum Gas Systems Used as Engine Fuel System for School Bus/Mass Transit Vehicles

A. Installation of a liquefied petroleum gas system used as an engine fuel system for school bus/mass transit vehicles shall be in accordance with the applicable sections of Chapter 11 of the NFPA 58 of the 2017 edition that the commission has adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:471 (March 1998), amended LR 26:1488 (July 2000), LR 38:1271 (May 2012), LR 41:396 (February 2015), LR 46:189 (February 2020).

§207. Fueling

A. Vehicles covered in this Chapter are prohibited from being fueled at schools and other places of public assembly within 50 feet of the property line.

B. Vehicles are prohibited from being fueled while passengers are on board or within 50 feet of liquid transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 18:866 (August 1992), amended LR 24:472 (March 1998), LR 38:1272 (May 2012).

Chapter 3. Emergency Powers

§301. Procedure

A. During a declared emergency or disaster by the governor, the commission may delegate authority to the director for the purposes of waving any rule under Part IX of Title 55 that does not materially affect safety.

B. The delegation shall be by majority vote of the commission.

C. If the commission cannot meet in person to vote on the delegation due to an inability to travel because of the declared emergency or disaster, the director may make contact with each commissioner by any form of communications available at the time.

D. The director shall make a written record of each vote cast by the individual commissioners. This record shall contain:

1. the date of the vote;
2. the name of the commissioners available for vote;
3. the method of communication used to contact each commissioner including any contact information;

4. the affirmative or negative vote of each commissioner.

E. If the director cannot contact enough commissioners to constitute a quorum, he may act on behalf of the commission during the declared emergency or disaster. Once the commission is able to meet, it shall review all exemptions granted by the director during the declared emergency or disaster. The commission may ratify any actions taken on behalf of the commission by the director.

F. The emergency powers of the director under this Section shall expire upon either of the following:

1. a majority vote of the commission;
2. the expiration of the declaration of emergency or disaster by the governor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 36:2571 (November 2010), amended LR 38:1272 (May 2012).

Chapter 5. Rulemaking Petitions

§501. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition the Liquefied Petroleum Gas Commission, commonly known as and hereafter referred to as the LP Gas Commission, for the adoption, amending or repeal of any rule, an interested person shall submit in writing the Department of Public Safety's petition for rulemaking form to the LP Gas Commission at 7919 Independence Boulevard, Baton Rouge, LA 70806, Attn: Rulemaking Petition, which contains the following basic information organized and captioned:

1. the petitioner's name and address;
2. the specific rulemaking agency to be petitioned within the Department of Public Safety as listed on the form;
3. a brief description of the facts or justification supporting the petitioner's request for the adoption of a rule or the amending of a rule that has already been adopted;
4. suggested specific language or language setting forth the substance of the proposed rule or rule change that is being requested, which may be attached to, or in addition to, the petition for rulemaking form;
5. a copy of each and every document upon which the petitioner bases the petitioner's request for a rule or a citation of the information and where it can be easily obtained for review by the rulemaking agency;
6. the petitioner's signature and date of signature.

C. The Department of Public Safety's petition for rulemaking form can be found on the official website of the LP Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with Act 454 of the 2018 Regular Legislative Session and R.S. 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 46:700 (May 2020).

§503. Consideration of a Rulemaking Petition

A. Upon receipt of a petition for rulemaking form, the executive director shall forward the petition to the agency designee. The agency designee shall review the petition for completeness pursuant to the requirements listed in LAC 55:IX.501.B. If the petition is found to be complete, the agency designee shall consider the petition.

B. Within 90 days of receipt of the petition, the executive director or the agency designee shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend an existing rule; or
2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefore.

C. Whenever the executive director or the agency designee determines that a public hearing should be held prior to the adoption of any rule or rule change, a notice of the meeting date, time and place will be published in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with Act 454 of the 2018 Regular Legislative Session and R.S. 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 46:700 (May 2020).

Chapter 15. Sale, Storage, Transportation and Handling of Anhydrous Ammonia

NOTE: This Chapter applies specifically to the sale, storage, handling, and transportation of anhydrous ammonia over Louisiana highways and the sale, construction and use of anhydrous ammonia containers and equipment.

Subchapter A. New Dealers

§1501. Prerequisite

A. As a prerequisite to engage in the anhydrous ammonia business in the state of Louisiana, an applicant shall first comply with the applicable rules and regulations of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993), LR 38:1272 (May 2012).

§1503. Definitions

Mobile Air Conditioning System—mechanized vapor compression equipment which is used to cool the driver's or passenger's compartment of any motor vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993), LR 38:1272 (May 2012).

§1505. Applications

A. Any person, firm, or corporation desiring to enter the anhydrous ammonia business in the state of Louisiana shall file formal application for a permit with the commission. These applications for permits shall be administratively granted by the office of the director upon complying with all commission requirements, such as payment of the applicable fees, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the commission meeting when the application for a permit is ratified. The applicant's supplier is prohibited from being the authorized representative. Only with special approval of the commission, under extenuating circumstances, shall the commission allow the applicant for a permit to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) shall be furnished by the commission upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993), LR 33:1143 (June 2007), effective July 1, 2007, LR 38:1272 (May 2012).

§1507. Requirements

A. Before any permit may be issued from the office of the director, all applicants shall have complied with the following.

1. Shall deposit filing fee of \$100 for Class A1; \$50 for Class A3; and \$25 for all others. This fee shall accompany application.
2. Formal application for a permit shall be submitted to the office of the director.

3. Shall have on file in the office of the director proof of insurance, issued by a Louisiana licensed agent, in the minimum sum of \$1,000,000, in the classes of insurance as required by the commission. This proof of insurance may be a copy of the policy with an endorsement that the insurance company will give at least 10 days notice to the commission before cancellation, or on a commission proprietary certificate of insurance, showing kinds and amount in force, with certificate bearing the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the commission 10 days prior to the date of cancellation, or a binder of insurance coverage, within date, will be acceptable as proof of insurance until the policy or proprietary certificate of insurance can be issued. The commission shall provide the proprietary certificate of insurance form on its public web site for downloading or will provide copies of the proprietary certificate of insurance form via facsimile or via U.S. mail upon request.

4. Where applicable, storage tank and location shall be approved. Storage tanks shall not be located inside corporate limits without written permission of the governing body.

- a. All sketches or drawings of proposed bottle filling plants, liquid withdrawal systems and/or installations utilizing ASME containers shall be submitted to the office of the director and approved before system is put into operation.

5. Where applicable, the applicant shall provide adequate transport and/or delivery trucks satisfactory to the commission. Each transport and/or delivery truck shall be registered in accordance with commission rules and regulations, LAC 55:XI.1543.

6. Shall have paid permit fee in the amount of \$300 to the commission of the state of Louisiana. For all succeeding years the permit fee shall be 1/2 of 1 percent of gross annual sales of anhydrous ammonia or \$300, whichever is greater.

7. Persons in charge of operations shall furnish proof satisfactory to the commission and the office of director that they have had experience in and are familiar with and will abide by all safety precautions necessary in the conducting of the business for which they are granted a permit.

8. All service and installation personnel, anhydrous ammonia transfer personnel and tank truck drivers shall have a card of competency from the office of the director. All permit holders, except Class A-3X permit holders, shall have at least one card of competency issued to their permit. A card of competency will be issued to an applicant upon receipt of a \$20 examination fee and successfully passing the competency test, providing the applicant holds some form of identification acceptable to the commission. The commission may accept as its own a reciprocal state's examination which contains substantially equivalent requirements. This shall be evidenced by a letter from the issuing authority or a copy of a valid card issued by the reciprocal state. All applicable fees shall be paid prior to issuing the card.

a. All cards of competency shall be renewed annually by the permit holder. There will be a charge of \$10 per card for renewals. After expiration, there will be a penalty of \$3 per card. There is a charge of \$10 for replacing a lost card, change of employer, or change of company name. A card with an improper employer or company name shall not be valid.

b. All employees who are qualified by this commission and have been issued certificates of competency shall have their certificates of competency on their person while on duty. Should an employee lose his card, the dealer shall notify the office of the director within 10 days for the issuance of a new card. If an employee terminates his employment with the dealer for whom the card is issued, the card shall be picked up by the dealer and returned to the office of the director immediately.

9. Shall have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

10. Where applicable shall provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratory or any other nationally recognized testing agency approved for anhydrous ammonia. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director for his approval before installation.

11. Applicants for change of name shall deposit a filing fee of \$25 with a formal application for a name change. The office of the director shall administratively grant the name change after all commission requirements are met. The commission shall ratify the name change at the next subsequent commission meeting after which a minimum of 20 days have elapsed since the administrative granting of the name change. A representative of the new firm or corporation is required to be present when the application is ratified by the commission. All certificates of competency shall be changed to new name.

12. Any permit holder who does not actively engage in business for which permit was granted, for a period of six consecutive calendar months, may have his permit revoked by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993), LR 25:2413 (December 1999), amended LR 27:423 (March 2001), repromulgated LR 27:565 (April 2001), amended LR 33:1144 (June 2007), effective July 1, 2007, LR 38:1273 (May 2012), LR 41:396 (February 2015).

§1509. Compliance with Rules

A. Compliance with all other applicable rules and regulations is a mandatory requirement for all permit holders.

1. The commission may assess a civil penalty of not less than \$100 nor more than \$1000 for each violation of the rules and regulations adopted by the commission. Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its ruling in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:899 (July 1993), LR 25:2413 (December 1999), LR 38:1274 (May 2012).

§1511. Re-Application

A. Any person, firm or corporation who has made application for a permit to enter the anhydrous ammonia business and whose request for permit has been denied, may re-submit an application 90 days after date of denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:899 (July 1993), LR 38:1274 (May 2012).

§1513. Classes of Permits

A. The commission shall issue upon application the following classes of permits.

1. Class A1. Holders of these permits may enter any phase of the anhydrous ammonia business.

a. Shall file formal application for a permit with the commission. These applications for permits shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fees, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the commission meeting when the application for a permit is

ratified. The applicant's supplier is prohibited from being the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant for a permit to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) shall be furnished by the commission upon request.

b. Shall deposit filing fee of \$100 with application.

c. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 covering:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

d. Storage tank and location shall be approved. Storage tanks shall not be located inside corporate limits without permission of the governing body.

e. Shall pay an initial permit fee for the first year of operation in the amount of \$300 to the commission. For all succeeding years, the permit fee shall be one-half of 1 percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

f. Person in charge of operations shall be satisfactory to the commission and the office of director.

g. All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers shall have a card of competency from the office of the director.

h. Shall have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

i. Shall provide adequate switch track of tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratories or any other nationally recognized testing agency approved for anhydrous ammonia. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director for his approval before installation.

j. No truck shall be parked on a street or highway at night in any city, town or village, except that it be for the purpose of serving a customer, then only in an emergency.

k. Compliance with all other applicable rules and regulations is a mandatory requirement.

1. The name of the dealer or permit holder shall appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer.

2. Class A2. Holders of these permits may install and service anhydrous ammonia containers, piping and appliances, but shall not deliver anhydrous ammonia.

a. Shall file formal application for a permit with the commission. These applications for permits shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fee, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the commission meeting when the application for a permit is ratified. In no case will the applicant's supplier be the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant for a permit other than a principal officer, director, manager, or attorney. The formal application form(s) shall be furnished by the commission upon request.

b. Shall deposit filing fee of \$25 with application.

c. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 covering products, manufacturers and contractors, and automobile liability.

d. Shall pay permit for first year's operations in the amount of \$300 to the commission. For succeeding years the permit fee shall be \$300.

e. Person in charge of operations shall be satisfactory to the commission and the office of the director.

f. All service and installation personnel shall have a certificate of competency from the office of the director.

g. Shall have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

h. Compliance with anhydrous ammonia law and all other applicable rules and regulations is a mandatory requirement.

3. Class A3. Holders of these permits may engage in the filling of approved cylinders with anhydrous ammonia on their premises, but shall not deliver anhydrous ammonia.

a. Shall file formal application for a permit with the commission. These applications for permits shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fees, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the

commission meeting when the application for a permit is ratified. The applicant's supplier is prohibited from being the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant for a permit to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) shall be furnished by the commission upon request.

b. Shall deposit filing fee of \$25 with application.

c. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 covering products liability.

d. Storage tank and location shall be approved by the commission's authority having jurisdiction. All tanks located in corporate limits shall also be approved by the governing body.

e. Shall pay permit for first year's operations in the amount of \$300 to the commission. For all succeeding years the permit fee shall be 1/2 of 1 percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

f. Person in charge of operations shall be satisfactory to the commission and the office of the director.

g. All employees handling anhydrous ammonia shall have a certificate of competency from the office of the director.

h. Shall have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

i. Compliance with all other applicable rules and regulations is a mandatory requirement.

j. The dealer's name shall appear on all stationary storage tank sites.

4. Class A3-X. Holders of these permits may engage in the exchange of approved anhydrous ammonia cylinders on their premises, but shall not fill cylinders.

a. Shall file formal application for a permit with the commission. These applications for permits shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fees, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is not required at the commission meeting when the application for a permit is ratified. The formal application form(s) shall be furnished by the commission upon request.

b. Shall deposit filing fee of \$50 with application.

c. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 covering products and automobile liability.

d. Shall pay permit for first year's operations in the amount of \$300 to the commission. For all succeeding years, the permit fee shall be 1/2 of 1 percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

e. Storage location shall be approved by the commission's authority having jurisdiction. All tanks located in corporate limits shall also be approved by the governing body.

f. Cylinder delivery trucks shall comply with CFR 49 of the DOT specifications.

g. Person in charge of operations shall be satisfactory to the commission and the office of the director.

h. All employees handling anhydrous ammonia shall have a certificate of competency from the office of the director.

i. Compliance with all other applicable rules and regulations is a mandatory requirement.

5. Class A4. Holders of these permits may transport anhydrous ammonia by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state. This permit may be secured from the office of the director upon receipt of the following:

a. Shall file formal application for a permit with the commission. These applications for permits shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fees, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the commission meeting when the application for a permit is ratified. The applicant's supplier is prohibited from also being the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant for a permit to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) shall be furnished by the commission upon request.

b. Shall deposit filing fee of \$25 with application.

c. Shall pay permit fee for first year's operations in the amount of \$300 to the commission of the state of Louisiana. For all succeeding years the permit fee shall be \$300.

d. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 automobile liability.

e. All trucks traveling in Louisiana shall conform to CFR 49 of the DOT specifications.

f. All transport trucks are subject to inspection and approval of the commission.

g. No truck shall be parked on a street or highway at night in any city, town, or village, except that it be for the purpose of serving a customer and this only in an emergency.

h. All transport and tank truck drivers shall have a certificate of competency from the office of the director.

i. Compliance with all other applicable rules and regulations is a mandatory requirement.

j. The dealer's name shall appear on all tank trucks which require registration with the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:899 (July 1993), LR 25:2413 (December 1999), amended LR 27:423 (March 2001), repromulgated LR 27:565 (April 2001), LR 33:1144 (June 2007), effective July 1, 2007, LR 38:1274 (May 2012), LR 46:189 (February 2020).

Subchapter B. Dealers

§1515. Compliance with Rules and Act

A. Dealers shall comply with R.S. 3:1355 and the rules and regulations of the commission in order to obtain a permit and to avoid cancellation of said permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:901 (July 1993), LR 38:1276 (May 2012).

§1517. Fine

A. After 15 days notice to appear before the commission for purposes of a trial and said trial is held, the commission may impose a fine in lieu of cancellation of permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 38:1276 (May 2012).

§1519. Expiration of Permit

A. All permits or registrations shall expire at midnight on the date of their expiration.

B. All permits or registrations renewed after their expiration date shall have an administrative penalty of 5 percent of the permit or registration fee due added for each month or fraction thereof, not to exceed 25 percent of the amount of the permit or registration fee due.

C. All permits or registrations renewed after their expiration date shall have administrative interest of 1 percent of the permit or registration fee due added for each month or fraction thereof to the amount of the permit or registration fee due.

D. After the expiration of a permit or registration fee renewal date, by five days, any dealer continuing in operation without the payment of the fee, any administrative penalty, and any administrative interest due, shall be considered as operating in violation of R.S. 3:1356(A) and the rules and regulations of the commission. The commission may assess a civil penalty in accordance with R.S. 3:1357 or may suspend, cancel or revoke said permit or registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 27:423 (March 2001), LR 38:1276 (May 2012).

§1521. Qualified Personnel

A. All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers shall have a card of competency from the office of the director. Where new persons are employed, they shall not be placed in charge of making installations, servicing equipment, or delivering anhydrous ammonia until they have passed the examination given by the director and a card showing their competency has been issued to them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 38:1276 (May 2012).

§1523. Report Accidents

A. Any accident involving anhydrous ammonia or the transportation of anhydrous ammonia which causes injury to employees, property damage, injury to other persons, a fire or an accidental release of anhydrous ammonia that is reportable under the Louisiana Right-To-Know Law shall be

reported by that dealer in writing to the office of the director as soon as possible but not later than 48 hours. The office of the director shall accept, in lieu of the required report in writing, data and information from the information system established under the Hazardous Materials Information Development, Preparedness and Response Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 25:2414 (December 1999), LR 38:1277 (May 2012).

§1525. Insurance

A. Insurance requirements for an individual firm or corporation having a permit shall be the same as required of a new dealer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 38:1277 (May 2012).

§1527. Compliance with Rules

A. Compliance with all other applicable rules and regulations is a mandatory requirement for all permit holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 38:1277 (May 2012).

§1529. Condemnation of Tanks

A. Any anhydrous ammonia storage container corroded, pitted or worn to 20 percent of the thickness of the head, shell plate, or stand pipe shall be condemned for further storage of anhydrous ammonia, provided the shell thickness is not less than 3/16 inch.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections,

Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 38:1277 (May 2012).

§1531. Improper Installation

A. A dealer shall not serve any anhydrous ammonia system which the dealer knows is not installed pursuant to the commission regulations or is in a dangerous condition. All new installations or reinstallations shall be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or equipment or use of poor piping design. All improper installations shall be corrected before the dealer services such installation or reinstallation with anhydrous ammonia for the first time. Any subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected equipment.

1. Anyone violating this Section shall also be liable for all damages resulting from an accident or explosion involving that shipment. The liability imposed by this Section shall not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of anhydrous ammonia.

2. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commission may suspend or revoke the permit of any person who violates the provisions of R.S. 3:1355 or who fails to pay any civil penalty imposed by the commission under the provisions of R.S. 3:1357 within 30 days after the assessment becomes final. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred.

3. No dealer shall service an anhydrous ammonia system, tank or another dealer after having received notification by the commission that the system, tank or dealer is not in compliance with these rules and regulations. An AD letter posted on the commission's public website which states that a system, tank or dealer is not in compliance shall constitute notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993), LR 27:423 (March 2001), LR 38:1277 (May 2012).

§1533. Customer Notification

A. Each dealer shall transmit a notice once each year to each customer stating that anhydrous ammonia systems are potentially dangerous, that a leak in the system could result in an injury and that systems should be inspected periodically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 38:1278 (May 2012).

§1535. Inspections

A. Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission, which inspections may be conducted without prior notice by the commission or its representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 38:1278 (May 2012).

§1537. Dealer Permit Requirements

A. Permits required under these general requirements shall not be transferred. All dealers, regardless of operation, shall hold a permit and shall not operate under a permit of another dealer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 38:1278 (May 2012).

§1539. Testing of Tanks

A. The director of commission reserves the right to require an internal hydrostatic pressure test on bulk storage or nurse tanks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and

particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 38:1278 (May 2012).

§1541. Sketches

A. A copy of all anhydrous ammonia installation plans and specifications including plot plans shall be submitted to the office of the director for approval prior to the commencement of work on the installation.

B. Such plans shall show the following:

1. the distance of container from line of adjoining property, highways, main line of railroads, places of public assembly, institutional occupancy (such as hospitals, nursing homes, schools) and dug wells;
2. size and location of tank;
3. the size and location of all pipe and the length of all runs;
4. all other details as related to the proposed installation as required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 38:1278 (May 2012).

§1543. Transport/Delivery Truck Cargo Compliance

A. Registration. Dealers that operate transport and/or delivery trucks in the state of Louisiana shall register each unit with the commission annually, the annual registration fee is \$50 for each unit registered. The annual registration period and procedure will be established by the Office of the Director of the commission. Any transport and/or delivery truck operating over the highways of the state of Louisiana with no registration decal or an expired registration decal affixed to the unit will be considered in violation of commission regulations and subject to penalties, this includes any unit operating beyond the established registration period without a current decal affixed to the unit. It is unlawful to load or unload any cargo unit not meeting commission regulations.

B. Safety Inspections. It is incumbent upon dealers and drivers to insure that all transport and/or delivery trucks being operated over the highways of Louisiana meet all federal and state regulations. The commission reserves the right to inspect any transport and/or delivery truck being registered at any time. Inspections may be performed by commission inspectors or a qualified agency acceptable to the commission. Dealer safety inspections performed by a commission inspector outside the State of Louisiana shall be

solely at the discretion and procedures established by the Office of the Director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 25:2414 (December 1999), LR 38:1278 (May 2012), LR 41:397 (February 2015).

Subchapter C. Forms and Reports

§1545. Installation Report

A. An installation report form shall be used for all installations and reinstallations of DOT and ASME containers and shall be retained in dealer's file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 38:1279 (May 2012).

Subchapter D. Adoption of Standard

§1547. National Standard

A. The commission hereby adopts the American National Standards Institute, Safety Requirements for the Storage and Handling of Anhydrous Ammonia, CGA-G-2.1, ANSI K61.1 of 1989 except for Section 8 regarding systems mounted on railcar structures.

B. The commission may adopt subsequent editions of these standards by a rule change in accordance with the Administrative Procedure Act.

C. Any published rules and regulations shall take precedence over the standard referenced in Subsection A.

D. The commission reserves the right to make exceptions to any rule adopted in §1547.A as it applies to local conditions as it may deem necessary in the interest of public safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 29:2511 (November 2003), LR 38:1279 (May 2012).