



*Department of Public Safety and Corrections*  
*Public Safety Services*

JOHN BEL EDWARDS  
GOVERNOR

January 13, 2017

MICHAEL D. EDMONSON  
DEPUTY SECRETARY, PUBLIC SAFETY SERVICES

Office of the Governor  
P.O. Box 94004  
Baton Rouge LA 70804-9004  
Matthew.Block@la.gov

Electronic Mail Delivery Receipt Requested

Re: Notice of Emergency Rule

Dear Governor Edwards:

In compliance with the provisions of La. R.S. 49:953(B), this will serve notice of the Liquefied Petroleum Gas Commission's issuance of an Emergency Rule that will become effective on January 20, 2017. The Commission has also submitted a Notice of Intent for an identical rule to the Office of State Register to be published in the January 2017 edition of the LAC. Copies of the Declaration of Emergency and the Emergency Rule are attached. In the event you desire any further information about this topic, please contact me directly at melinda.long@la.gov or 225.925.6103.

Sincerely,

Melinda L. Long  
Attorney for LP Gas Commission

cc: Office of the Attorney General [executiveag@state.la.us](mailto:executiveag@state.la.us)  
President, Louisiana Senate [apa.senatepresident@legis.la.gov](mailto:apa.senatepresident@legis.la.gov)  
Chair, Senate Committee on Judiciary B [apa.s-judb@legis.la.gov](mailto:apa.s-judb@legis.la.gov)  
Speaker, Louisiana House of Representatives [apa.housespeaker@legis.la.gov](mailto:apa.housespeaker@legis.la.gov)  
Chair, House Judiciary Committee [apa.h-jud@legis.la.gov](mailto:apa.h-jud@legis.la.gov)  
Director, Office of the State Register [reg.submission@la.gov](mailto:reg.submission@la.gov)

**OFFICE OF THE STATE REGISTER INSERTION ORDER** (eff.08/02)  
 Claiborne Building 1201 North Third Street Suite 3-220 Post Office Box 94095  
 Baton Rouge, LA 70804-9095 (225)342-5015 FAX (225)342-0284

(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

EMERGENCY RULE     NOTICE OF INTENT     RULE     POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) January, 2017 Louisiana Register the document indicated above.

**LP Gas Commission**

Office/Board/Commission promulgating this document

Department of Public Safety/Public Safety Services

Department under which office/board/commission is classified

**John W. Alario** Executive Director

(name) (title)

Name and title of person whose signature will appear in the publication (at the end of the document)

**Melinda L. Long** 225-925-6103 225-925-4624

(name) (phone) (fax)

Name, phone number, and FAX number of person to contact regarding this document

**melinda.long@la.gov**

E-mail address of contact person

**Miscellaneous Amendments/New Permit**

Short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX

**LP Gas New Permit**

File name

*lta JAS Starnes*

**Important:** If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here:

Signature of Agency Head or Designee

*lta Jason Starnes - Chief Administrative Officer*

Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

**ISIS AGENCY:** I certify the availability of fiscal year 17-18 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

<u>424</u>	<u>2651</u>	<u>2710</u>	<u>01</u>	<u>6700</u>
AGENCY	ORGANIZATION #	OBJECT	SUB-OBJECT	REPORTING CATEGORY

**NON-ISIS AGENCY:** I certify the availability of fiscal year \_\_\_\_\_ appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

*lta JAS Starnes* 225-925-6032  
 Signature of Agency Head or Designee - Phone #

Agency Name

Street Address or Post Office Box

City State Zip Code

Lines/Other Charges \_\_\_\_\_ Typesetting \$ \_\_\_\_\_ TOTAL \$ \_\_\_\_\_

## **DECLARATION OF EMERGENCY**

### **Department of Public Safety and Correction**

#### **Liquefied Petroleum Gas Commission**

Broker Permit/Miscellaneous Amendments

(LAC 55:IX:Chapter 1 )

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, has exercised the emergency provision in accordance with R.S. 49:953(B), of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 55:I.Chapter 1 as authorized by R.S. 40:1846. Furthermore, the Liquefied Petroleum Gas Commission has found an immediate need to adopt amendments to create a new class of permits applicable to brokers and special vendors of liquefied petroleum gas within the State of Louisiana. In particular, the Emergency Rule amends LAC 55:IX.Chapter 1, Section 107 to require a permit for third party brokers who are instrumental in the sale and service of liquefied petroleum. The adoption of this Rule on an emergency basis is necessary due to the hazardous components of liquefied petroleum gas, also referred to as propane or butane, which are flammable mixtures of hydrocarbon gases used as fuel in heating appliances, cooking equipment, and vehicles. The Liquefied Petroleum Gas Commission finds that an imminent peril to the public health, safety and welfare requires adoption of this Rule. This Emergency Rule was adopted and became effective January 20, 2017 and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final Rule, whichever occurs first.

### **Title 55**

#### **PUBLIC SAFETY**

#### **LIQUEFIED PETROLEUM GAS COMMISSION**

##### **Part IX. Liquefied Petroleum Gas**

#### **Chapter 1. General Requirements**

##### **Subchapter A. New Dealers**

##### **§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 \$150 for classes and \$25 for all registrations. This fee shall accompany application.

2. -5.b. ...

c. Each location of Class I, 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, except for Class VII-E, which shall be \$100, 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.

6.a. - 7. ...

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. - c.i.(d). ...

(e). Proof of a passing grade, for purposes of certification, shall be maintained in dealer employee file. The employer shall maintain this record until 1 year after the employment has terminated.

8.c.i.(f). -15 ...

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 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:

### **§113. Classes of Permits and Registrations**

A. - A.2.e. ...

3. Class III. Brokers/Special Vendors. Holders of these permits may purchase liquefied petroleum gas only from liquefied petroleum gas 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/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 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.

A.4 - A.13.c. ...

**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:

**Subchapter D. Forms and Reports**

**§159. Required Forms and Reports**

A. - A.7. ...

- 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) \_\_\_\_\_ Date: \_\_\_\_\_  
X

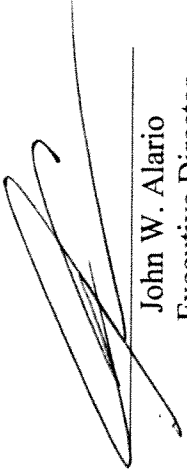
**FEE \$150.00**

**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:

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR 107) of the 2014 Regular Session of the Legislature, the provider impact of this proposed rule has been considered. It is anticipated that this proposed rule will not impact providers. The proposed rule does not affect the ability of the provider to provide the same level of service

Adopted and becomes effective January 20, 2017.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

John W. Alario  
Executive Director