

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 567
Committee Substitute Favorable 5/4/93
Senate Judiciary II Committee Substitute Adopted 6/16/93
Fourth Edition Engrossed 7/9/93

Short Title: LP-Gas Fee/Civil Penalty.

(Public)

Sponsors:

Referred to:

March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ISSUANCE OF REPLACEMENT DATA PLATES FOR LP-GAS TANKS, TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS REGARDING LP-GAS, TO PROVIDE FOR SUSPENSION OR REVOCATION OF AN LP-GAS DEALER'S REGISTRATION FOR VIOLATIONS OF THESE LAWS, AND TO PROVIDE FOR CONTRACTOR CERTIFICATION OF LP-GAS SYSTEMS CODE COMPLIANCE.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 119 of the General Statutes is amended by adding a new section to read:

§ 119-61. Replacement data plates for liquified petroleum gas tanks.

A liquified petroleum gas tank of 120 gallons or more that is subject to the American Society of Mechanical Engineers (ASME) Code must have a data plate indicating that it was built in accordance with that Code. The Commissioner may issue a data plate to replace a rusting or partially detached data plate on a liquified petroleum gas tank. The Commissioner shall charge a person to whom a replacement data plate is issued a fee of twenty dollars (\$20.00) for the plate. Fees collected under this section shall be credited to the Department of Agriculture and applied to the cost of issuing replacement data plates."

Sec. 2. G.S. 119-59 reads as rewritten:

§ 119-59. Penalty; ~~injunction of~~ Sanctions for violations.

1 (a) Criminal. – ~~A dealer violating any of the provisions who violates a provision~~
2 ~~of this Article, Article or any of the rules and regulations made and promulgated in~~
3 ~~accordance with the provisions of this Article, shall be deemed a rule adopted under it is~~
4 ~~guilty of a misdemeanor, and upon conviction thereof shall be punished misdemeanor~~
5 ~~and is punishable by fine or imprisonment.~~

6 (b) Injunction. – ~~In addition the~~ The Commissioner or ~~his agent~~ an agent of the
7 Commissioner may apply to any superior court judge and the court may temporarily
8 restrain or preliminarily or permanently enjoin any violation of this Article or ~~any of the~~
9 ~~rules or regulations made and promulgated thereunder.~~ a rule adopted under it.

10 (c) Civil Penalty. – The Commissioner may assess a civil penalty against any
11 person who violates a provision of this Article or a rule adopted under it. The penalty
12 may not exceed one hundred dollars (\$100.00) for the first violation, three hundred
13 dollars (\$300.00) for a second violation, and five hundred dollars (\$500.00) for a third
14 or subsequent violation. In determining the amount of a penalty, the Commissioner
15 shall consider the degree and extent of harm or potential harm that has resulted or could
16 have resulted from the violation.

17 The Commissioner may not assess a civil penalty against a person until the
18 Commissioner has notified the person of the alleged violation and has given the person
19 at least 45 days to correct or cease the alleged violation. A notice may be served by any
20 means authorized by G.S. 1A-1, Rule 4. Civil penalties assessed under this subsection
21 shall be credited to the General Fund as nontax revenue.

22 (d) Registration. – The Commissioner may deny, suspend, or revoke the
23 registration of a dealer who violates a provision of this Article or a rule adopted under
24 it."

25 Sec. 3. Chapter 143 of the General Statutes is amended by adding a new
26 section to read:

27 "**§ 143-139.3. Inspection of liquified petroleum gas piping systems for residential**
28 **structures.**

29 If the test required under the North Carolina State Building Code for a liquified
30 petroleum gas piping system serving a one or two-family residential dwelling is not
31 performed by a qualified code enforcement official, as defined in G.S. 143-151.8(a)(5),
32 the contractor who installed the system shall verify that the system complies with the
33 test requirements and shall certify the results, in writing, to the code official."

34 Sec. 4. Sections 1 and 2 of this act become effective December 1, 1993.
35 Section 3 of this act becomes effective October 1, 1993.