

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1083

Short Title: LP Gas Registration/Training.

(Public)

Sponsors: Senators Albertson; and Metcalf.

Referred to: Agriculture/Environment/Natural Resources.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE REGISTRATION REQUIREMENTS FOR DEALERS IN
2 LIQUIFIED PETROLEUM GAS AND TO PROVIDE FOR THE TRAINING AND
3 EXAMINATION OF PERSONS TRANSPORTING OR DISPENSING LIQUIFIED
4 PETROLEUM GAS.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 119-56 reads as rewritten:

8 **"§ 119-56. Registration of dealers; liability insurance or substitute required.**

9 A person shall not hold himself out as a dealer without first having registered as
10 herein provided. ~~A dealer shall annually on or before January 1 of each year register with~~
11 ~~the Commissioner on a form to be furnished by the Commissioner. provided on a form to~~
12 be furnished by the Commissioner. Such form shall give the name and address of the
13 dealer, the place ~~or places~~ of and type or types of business of such dealer, and such other
14 pertinent information as the Commissioner may deem necessary. A dealer shall
15 reregister on or before the renewal date of its liability insurance policy by having the
16 insurance provider submit satisfactory documentation of insurance coverage to the
17 Commissioner.

18 A dealer shall obtain and maintain comprehensive general liability insurance
19 including product liability of one hundred thousand dollars (\$100,000) combined single
20 limits and, when applicable, comprehensive automobile liability insurance of one

1 hundred thousand dollars (\$100,000) combined single limits. Verification of said
2 insurance coverage shall be made in a manner satisfactory to the Commissioner. In lieu
3 of insurance, the dealer may file and maintain a bond, certificate of deposit or irrevocable
4 letter of credit in a form satisfactory to the Commissioner which provides protection for
5 the public in the same amounts and to the same extent as said insurance.

6 The provisions of this section shall not apply to a dealer who retails liquefied
7 petroleum gas in containers of less than 50 pounds water capacity and which retailing
8 does not involve the filling or transporting of such containers. However, training shall be
9 performed according to the provisions of G.S. 119-62(e)."

10 Section 2. Chapter 119 of the General Statutes is amended by adding two new
11 sections to read:

12 **"§ 119-62. Employee training requirements.**

13 (a) Employee Training Requirements. – Except as otherwise provided in
14 subsection (b) of this section, no person may work or be employed for more than 90 days
15 in any capacity that requires the transporting or dispensing of liquified petroleum gas or
16 performing any work on liquified petroleum gas systems unless that person has enrolled
17 in and successfully completed a training program and has taken an examination that
18 measures the competency of that person to perform liquified petroleum gas-related
19 activities and tests the person's working knowledge of the applicable safety standards. A
20 person who has not yet completed this training program may perform the duties described
21 in this subsection only under the direct supervision of properly trained personnel until
22 that training and examination are complete. The training program and examination shall
23 be prepared or approved by the Commissioner. An examination may not be administered
24 by a person employed by the same company employing the person taking the test.

25 (b) Training and Examination of Existing Employees. – Employees engaged in
26 service installation, safety, or delivery activities involving liquified petroleum gas on
27 January 1, 2000, shall enroll in an appropriate certified training program and complete an
28 examination no later than July 1, 2000, unless they can provide proof of such training and
29 examination within the previous three years.

30 (c) Retraining and Examination. – All employees engaged in service installation,
31 safety, or delivery activities involving liquified petroleum gas shall be retrained and
32 reexamined no later than the third anniversary of the date of the completion of their
33 previous training and examination and every three years thereafter.

34 (d) Proof of Training. – Proof of completion of an approved training and
35 examination shall be provided to the Commissioner from the approved testing agent
36 within 30 days of the examination and shall be maintained in a personnel training file
37 available for examination at the place of employment. Proof of previous training and
38 examination authorized by subsection (b) of this section shall be provided by the dealer
39 or designated manager to the Commissioner by July 1, 2000, and shall be maintained in a
40 personnel training file available for examination at the place of employment.

41 (e) Limited Training for Certain Employees. – Training for employees whose only
42 liquified petroleum gas activity involves the selling and receiving at retail of exchange
43 containers of less than 50 pounds water capacity shall be performed by the supplying

1 cylinder exchange company or by the manager or agent of the retail location. Such
2 training shall be documented by a sign-off sheet maintained at the employment location
3 and shall be supplemented by posting the training instructions at the point of sale or the
4 exchange cabinet. Proof of such training need not be provided to the Commissioner.
5 Persons involved in the sale of nominal one-pound LP-gas capacity containers and
6 smaller liquified petroleum gas containers are exempt from this training requirement.

7 **"§ 119-63. Training program and examination preparation.**

8 Training programs and examinations required under G.S. 119-62 shall be conducted
9 by appropriate State personnel or training agents approved by the Commissioner. Such
10 training agents shall not conduct training or examinations until they have registered on a
11 form to be furnished by the Commissioner and have received approval for conducting
12 training and examination. The form shall give the name and address of the agent
13 applicant, documentation of appropriate qualification for conducting training, and such
14 other pertinent information as the Commissioner may deem necessary."

15 Section 3. There is appropriated from the General Fund to the Department of
16 Agriculture and Consumer Services the sum of seventy-six thousand eight hundred thirty-
17 three dollars (\$76,833) for the 1999-2000 fiscal year and the sum of eighty-three
18 thousand three hundred ninety-eight dollars (\$84,398) for the 2000-2001 fiscal year to
19 implement safety training for liquified petroleum gas dealers and their employees.

20 Section 4. This act becomes effective January 1, 2000.