

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 1161*

Short Title: LP Gas Filler Certification.

(Public)

Sponsors: Senator Basnight.

Referred to: Public Utilities.

May 4, 1989

A BILL TO BE ENTITLED
AN ACT TO REQUIRE CERTIFICATION OF LP GAS FILLERS AND TO
APPROPRIATE FUNDS FOR SUCH PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 119-54 is amended by adding a new subdivision (5) to read:

"(5) 'Filler' means any person who, in connection with the retail sale of liquified petroleum gas, fills a cylinder that has a capacity of 100 pounds or less of liquified petroleum gas. This term does not include employees of bulk distributors of liquified petroleum gas who fill such cylinders on the premises of the distributor or who fill 100-pound liquified petroleum gas cylinders on the customer's premises."

Sec. 2. Article 5 of Chapter 119 of the General Statutes is amended by adding a new section to read:

"§ 119-56.1. Certification of fillers.

No person shall act as a filler unless certified by the Commissioner. Applicants for certification shall pass a written examination and such other proficiency testing as may be required by the Board. Certification shall be issued upon payment of a fee of twenty-five dollars (\$25.00) and shall be valid for two years from the date of issuance."

Sec. 3. G.S. 119-58(a) reads as rewritten:

"(a) It shall be an unlawful act for any person to:

- (1) Sell any gas burning appliance designed or built for domestic use which has not been approved by the American Gas Association, Inc., the Underwriters Laboratory, Inc., or other laboratory approved by the Commissioner of Agriculture;

- 1 (2) Install any unvented space heating appliance in a manufactured home
2 as defined in G.S. 143-145(7);
- 3 (3) Install any unvented space heating appliance in a sleeping room that
4 has an input of over 30 BTU per cubic feet of enclosure;
- 5 (4) Fill a consumer tank or container in excess of eighty-five percent
6 (85%) of its water capacity, or to fill a tank or container on the
7 premises of a consumer that is not equipped with a fill tube or gauge;
8 provided, said tank or container may be filled by weight if the tank or
9 container is weighed before and after filling;
- 10 (5) Disconnect an appliance from a gas supply line without capping or
11 plugging said line before leaving the premises;
- 12 (6) Turn on the gas after reestablishing an interrupted service without first
13 having checked and closed all gas outlets;
- 14 (7) Violate any provisions of this Article or any rules and regulations
15 promulgated ~~thereunder.~~ thereunder;
- 16 (8) Act as a filler, as defined herein, without a valid certification."

17 Sec. 4. Article 5 of Chapter 119 of the General Statutes is amended by
18 adding a new section to read:

19 "**§ 119-59.1. Revocation of registration or certification; civil penalties.**

20 (a) The Commissioner may deny, suspend, modify or revoke any registration or
21 certification issued under this Article for any violation of this Article or the rules
22 adopted hereunder.

23 (b) A civil penalty may be levied by the Commissioner against any person who
24 violates any provision of this Article or the rules adopted hereunder. Such penalty shall
25 not exceed one hundred dollars (\$100.00) for the first violation, five hundred dollars
26 (\$500.00) for a second violation, and one thousand dollars (\$1,000) for a third or
27 subsequent violation."

28 Sec. 5. There is appropriated from the General Fund to the Department of
29 Agriculture \$10,000 for fiscal year 1989-90 for implementation of this act.

30 Sec. 6. Section 5 of this act shall become effective July 1, 1989. The
31 remainder of this act is effective upon ratification, but certification of LP gas fillers
32 shall not be required until January 1, 1990.