

Chapter 75

Liquefied Petroleum Gases

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SUBCHAPTER I — GENERAL PROVISIONS

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15-75-101. Title.

This act may be known and cited as the "Liquefied Petroleum Gas Board Act".

History. Acts 1965, No. 31, § 1; A.S.A. 1947, § 53-701.

15-75-102. Definitions.

As used in this act, unless the context otherwise requires:

(1) "Appliance" means any apparatus or fixture attached to a liquefied petroleum gas plant or system for the purpose of utilizing, burning, or consuming gas contained in the plant or system;

(2) "Board" means the Liquefied Petroleum Gas Board;

(3) "Container" means any tank or vessel in which liquefied petroleum gases are stored or transported or in which liquefied petroleum gases are placed for utilization through a liquefied petroleum gas system, except containers used in marine or railroad service which are inspected under federal law or regulation;

(4) "Dealer" means any person who sells or offers for sale liquefied petroleum gases or containers in the state directly to a user;

(5) "Jobber" means any person other than a manufacturer who sells or offers for sale to dealers containers and liquefied petroleum gases;

(6) "Liquefied petroleum gas systems" means all piping and fittings, exclusive of containers and appliances, which are connected to containers and appliances for the utilization of liquefied petroleum gases;

(7) "Liquefied petroleum gases" means gases derived from petroleum or natural gas which are in a gaseous state at normal atmospheric temperature and pressure, but may be maintained in a liquid state at normal atmospheric temperature by the application of sufficient pressure. Normal storage of these gases is as a liquid under pressure. Pentane, gasoline, and oil are not included in the above as they are liquids at normal temperature without application of pressure;

(8) "Manufacturer" means any person manufacturing any container offered for sale in this state;

(9) "Person" means any individual, partnership, firm, corporation, company, or association or the trustee, receiver, assignee, or personal representative thereof.

(10) "Vendor" means any person who sells or offers for sale appliances in this state; and

History. Acts 1965, No. 31, §§ 1, 15; A.S.A. 1947, §§ 53-701, 53-714.

15-75-103. Penalty.

Any person violating any of the provisions of this act or any rule adopted pursuant thereto shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) and, in addition, may be imprisoned for not more than one (1) year, or both.

History. Acts 1965, No. 31, § 30; A.S.A. 1947, § 53-729; Acts 2019, No. 315, § 1265.

15-75-104. Actions for injunction against violation.

The Liquefied Petroleum Gas Board, in accordance with the laws of the state governing injunctions, may maintain an action in the name of the state against any person to enjoin the violation of any provision of this act; provided, no bond shall be required prior to obtaining any such injunction.

History. Acts 1965, No. 31, § 29; A.S.A. 1947, § 53-728.

15-75-105. Schedule of inspection and registration fees.

The Liquefied Petroleum Gas Board shall have authority to charge the following maximum fees for the inspection or registration of the following:

- (1) Containers of fifty (50) water gallon capacity or less\$ 5.00
- Over fifty (50) water gallon through one hundred twenty (120) gallon capacity 10.00
- Over one hundred twenty (120) water gallon through two thousand (2,000) gallon capacity 20.00
- (2) Over two thousand (2,000) water gallon capacity 25.00
- (3) Fuel containers used on mobile equipment, such as automobiles, tractors, and trucks 5.00
- (4) D.O.T. or I.C.C. cylinders shall comply with D.O.T. or I.C.C. regulations, and cylinders with one hundred

pound (100 lb.) capacity or less shall require no fee.

(5) Containers used for bulk storage, regardless of size	35.00
(6) Cargo containers mounted on trucks or semitrailers, regardless of size	150.00
(7) Containers used for commercial or industrial storage, cylinder filling plants, service stations	25.00
(8) Public buildings using liquefied petroleum gas	35.00
(9) Domestic, commercial, industrial, or other type building	25.00
(10) Shop inspection, per day	35.00
(11) Certificate of competency	25.00.

History. Acts 1965, No. 31, § 14; 1977, No. 396, § 1; 1985, No. 909, § 1; A.S.A. 1947, § 53-713; Acts 1991, No. 300, § 1.

15-75-106. Disposition of funds.

(a) All moneys collected as liquefied petroleum gas inspection, registration, permit, or other fees under the provisions of this subchapter shall be deposited in the State Treasury, and the Treasurer of State shall credit the moneys to the Liquefied Petroleum Gas Fund.

(b) All moneys deposited in the fund shall be used for the maintenance, operation, and improvement of the Liquefied Petroleum Gas Board.

History. Acts 1965, No. 31, § 13; A.S.A. 1947, § 53-712.

15-75-107. Odorization of gas.

All liquefied petroleum gases shall be effectively odorized with a distinctive agent at the time of manufacture by the use of an approved chemical agent of such character as to positively indicate the presence of gas in concentrations not to exceed one-fifth

($\frac{1}{5}$) of the lowest limit of flammability of such gas, except where used in connection with a chemical or other manufacturing processes in which it would prove harmful and would serve no useful purpose as a warning agent.

History. Acts 1965, No. 31, § 17; A.S.A. 1947, § 53-716.

15-75-108. Dealers' safety meetings for employees.

Each dealer authorized to engage in the liquefied petroleum gas business generally in this state, in conjunction with representatives of the Liquefied Petroleum Gas Board, an insurance company, or other recognized safety organization, shall conduct with all employees handling liquefied petroleum gases one (1) general safety meeting during each twelve-month period.

History. Acts 1965, No. 31, § 23; A.S.A. 1947, § 53-722; Acts 1995, No. 477, § 1.

15-75-109. Liability of persons rendering aid with respect to accidents involving transportation of compressed gases.

(a) Notwithstanding any provisions of law to the contrary, no individual, partnership, corporation, association, or other entity shall be liable in civil damages as a result of acts taken in the course of rendering care, assistance, or advice with respect to an incident creating a danger to person, property, or the environment as a result of spillage, seepage, fire, explosion, or other release of compressed gases, or the possibility thereof, during the course of transportation of those gases by any mode whatsoever, including loading and unloading.

(b) Notwithstanding any other provision of this section to the contrary, the civil immunity granted by this section shall not extend to any individual, partnership, corporation, association, or other entity engaged in the business of the transportation of compressed gases or to any of their employees.

(c) This section shall not preclude liability for civil damages as the result of gross negligence or intentional misconduct. Reckless, willful, or wanton misconduct shall constitute gross negligence.

History. Acts 1981, No. 839, §§ 1-3; A.S.A. 1947, §§ 53-1401 — 53-1403.

15-75-110. Reports.

Reports of the sales, shipment, and installation of containers and systems shall be made by manufacturers, jobbers, and dealers on such forms and in such manner as may be provided by rule of the Liquefied Petroleum Gas Board.

History. Acts 1965, No. 31, § 19; A.S.A. 1947, § 53-718; Acts 2019, No. 315, § 1266.

15-75-111. Discretionary suspension of inspection and registration fees.

(a) If the balance of the Liquefied Petroleum Gas Fund exceeds five hundred thousand dollars (\$500,000), the Liquefied Petroleum Gas Board shall have the discretion to dispense with all inspection and registration fees.

(b) The board's decision to dispense with inspection and registration fees under this section is effective for the fiscal year following the board's decision.

History. Acts 1997, No. 1277, § 5; 2023, No. 349, § 1.

15-75-112. Affirmative defense.

(a) As used in this section:

(1) "Liquefied petroleum gas equipment" means any appliance, equipment, or piping system that uses, stores, or transports liquefied petroleum gas; and

(2) "Liquefied petroleum gas provider" means any person or entity engaged in the business of supplying, handling, transporting, or selling liquefied petroleum gas.

(b) A liquefied petroleum gas provider shall have an affirmative defense to any action for civil liability for damage or injury caused by:

(1) An alteration or modification of liquefied petroleum gas equipment that is not reasonably foreseeable by the provider and causes the liquefied petroleum gas equipment to be unsafe for use in its altered or modified form; or

(2) The end-user's use of liquefied petroleum gas equipment if:

(A) It is outside the manner or purpose that it could reasonably be intended to be used or renders the liquefied petroleum gas equipment unsafe; and

(B) The liquefied petroleum gas provider or the manufacturer of the liquefied petroleum gas equipment provides a reasonable warning about the consequences of misusing the liquefied petroleum gas equipment.

History. Acts 2007, No. 119, § 1; 2009, No. 481, § 9.

Subchapter 2 — Liquefied Petroleum Gas Board

15-75-201. Members.

15-75-202. Meetings.

15-75-203. Office — Seal.

15-75-204. Officers.

15-75-205. [Repealed.]

15-75-206. Personnel — Counsel.

15-75-207. Rules and regulations.

15-75-208. Standards for containers, systems, etc.

15-75-209. Access for inspections — Investigation of explosions.

15-75-201. Members.

(a) The Liquefied Petroleum Gas Board shall consist of seven (7) members who are residents of the State of Arkansas, at least twenty-one (21) years of age, of good moral character, and who shall be appointed by the Governor and confirmed by the Senate.

(b)(1) There shall be one (1) member appointed by the Governor from each congressional district, as the districts existed on January 1, 2007.

(2) There shall be three (3) at-large members appointed by the Governor.

(3)(A)(i) A board member appointed before July 31, 2007 shall serve the remainder of his or her previously appointed six-year term.

(ii) For a board member appointed after July 31, 2007 the term of office shall be four (4) years.

(B)(i) No board member appointed after July 31, 2007 may serve more than two (2) consecutive four-year terms.

(ii) Subdivision (b)(3)(B)(i) of this section does not preclude a former board member from serving again if he or she has not served as a member of the board for at least four (4) consecutive years.

(4) The board shall have at least one (1) member who:

(A) Represents the general public; and

(B) Is not employed by, engaged in, or retired from the liquefied petroleum gas industry in any manner.

(c) After appointment and before entering upon his or her respective duties, each member of the board shall take and subscribe and file in the office of the Secretary of State the oath of office prescribed by Arkansas Constitution, Article 19, § 20.

(d) Members of the board shall not receive compensation for their services but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

History. Acts 1965, No. 31, §§ 2, 3, 6, 9; 1975 (Ex. Sess., 1976), No. 1035, § 1; A.S.A. 1947, §§ 6-616, 53-702, 53-703, 53-705, 53-708; Acts 1987, No. 862, § 1; Acts 1997, No. 250, § 113; 1999, No. 1577, § 1; 2001, No. 440, § 1; 2007, No. 733, § 1.

15-75-202. Meetings.

(a) The Liquefied Petroleum Gas Board shall adopt and may modify rules for the conduct of its business and shall keep a record of its transactions.

(b) Meetings shall be at the call of the chair or of the vice chair if he or she is for any reason the acting chair, either at his or her own instance or upon the written request of at least four (4) members.

(c) A quorum shall consist of not fewer than four (4) members present at any regular or special meeting, and a majority affirmative vote of that number shall be necessary for the disposition of any business.

(d) No meeting shall be for a longer period of time than is absolutely necessary to transact the business of the board.

(e) The board may meet one (1) time each calendar quarter, but no more than one (1) meeting shall be held during a sixty-day period for which a member is to receive compensation or reimbursement of expenses incurred.

History. Acts 1965, No. 31, §§ 8, 9; A.S.A. 1947, §§ 53-707, 53-708; Acts 1999, No. 1577, § 2; 2013, No. 327, § 1.

15-75-203. Office — Seal.

The Liquefied Petroleum Gas Board shall:

- (1) Maintain its office in Pulaski County;
- (2) Acquire suitable quarters for the conduct of its business; and
- (3) Adopt and use a common seal for the authentication of its orders and records.

History. Acts 1965, No. 31, §§ 1, 10; A.S.A. 1947, §§ 53-701, 53-709; Acts 1999, No. 225, § 1.

15-75-204. Officers.

(a) The Liquefied Petroleum Gas Board shall select from its membership a chair and a vice chair.

(b) No such officer shall serve in the same capacity for more than one (1) year during his or her term.

(c) The board may also select an individual to act as recording secretary who does not necessarily have to be a member of the board.

History. Acts 1965, No. 31, § 7; A.S.A. 1947, § 53-706; Acts 2007, No. 733, § 2.

15-75-205. [Repealed.]

15-75-206. Personnel — Counsel.

(a)(1) The Liquefied Petroleum Gas Board shall appoint a Director of the Liquefied Petroleum Gas Board to serve with the approval and at the pleasure of the Governor.

(2) The director shall report to the Secretary of the Department of Energy and Environment.

(b) The director shall have the authority, in consultation with the secretary, to:

(1) Employ assistants, inspectors, and other personnel; and

(2) Retain counsel as may be necessary to aid it properly in the administration of this subchapter, with the approval of the board.

(c)(1)(A) The director shall have the power and duty to receive applications and to review and approve applications for all classes of permits after applications and supporting papers have been on file for at least thirty (30) days.

(B) The director may issue class one permits once all conditions or prerequisites have been met as set out in § 15-75-307 and the application has been approved by the board.

(C) The director may issue all class two through class ten permits after all conditions and prerequisites have been met as set out in §§ 15-75-308 — 15-75-317.

(2) The director may refuse to approve applications for permits for safety reasons.

(d) The director's decisions on the approval of the applications for class one permits shall be reviewed by the board at its next regularly scheduled meeting.

History. Acts 1965, No. 31, § 11; 1983, No. 691, § 9; A.S.A. 1947, §§ 53-701.1, 53-710; Acts 1999, No. 1577, § 3; 2001, No. 440, § 2; 2007, No. 733, § 3; 2019, No. 910, § 3181.

15-75-207. Rules.

(a) The Liquefied Petroleum Gas Board is empowered to make reasonable rules to carry out the provisions of this subchapter. Such rules shall have the force and effect of law.

(b) In addition to the functions, powers, and duties conferred and imposed upon the board by this subchapter, and the regulation of its own procedure and carrying out its functions, powers, and duties, it shall have the authority from time to time to make, amend, and enforce all reasonable rules not inconsistent with law, which will aid in the performance of any of the functions, powers, or duties conferred or imposed upon it by law.

(c) All permanent rules promulgated for the regulation of liquefied petroleum gases as published in the state code governing liquefied petroleum gas containers and equipment dated May 1, 1964, shall remain in full force and effect until changed, altered, amended, or abolished by the board.

History. Acts 1965, No. 31, §§ 12, 28; A.S.A. 1947, §§ 53-711, 53-727; Acts 2019, No. 315, § 1267.

15-75-208. Standards for containers, systems, etc.

The Liquefied Petroleum Gas Board shall provide additional standards or specifications for containers, systems, appliances, and appurtenances, as may be reasonably necessary for the public safety. The standards or specifications are to be set forth in the rules of the state code governing liquefied petroleum gas containers and equipment.

History. Acts 1965, No. 31, § 23; A.S.A. 1947, § 53-722; Acts 2019, No. 315, § 1268.

15-75-209. Access for inspections — Investigation of explosions.

(a) The Liquefied Petroleum Gas Board shall have free access at all reasonable times to any premises in this state where a container or system is for sale, or being used or installed, for the purpose of ascertaining whether the container or system complies with the provisions of this act.

(b) The board shall examine into and make report of the causes of explosions of containers and shall keep a record of the names of all owners or users of the containers or systems, together with the location, make, dimension, age, condition, pressure allowed, and the date of the last inspection of all the containers or systems.

History. Acts 1965, No. 31, § 21; A.S.A. 1947, § 53-720.

SUBCHAPTER 3 — PERMITS AND CERTIFICATES OF COMPETENCY

- 15-75-301. Definitions.
- 15-75-302. Annual permit required.
- 15-75-303. Certification of competency required.
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- 15-75-305. Applicants for permits.
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- 15-75-307. Class one permit.
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- 15-75-314. Class eight permit.
- 15-75-315. Class nine permit.
- 15-75-316. Class ten permit.
- 15-75-317. Approval prerequisite to supplying or acquiring certain equipment and products.
- 15-75-318. Fees — Times payable.
- 15-75-319. Reinstatement or transfer of permits — Automatic revocation upon suspension of business.
- 15-75-320. Sales restrictions.
- 15-75-321. Suspension of certificate of competency — Revocation of permit or certificate.
- 15-75-322. Shortage emergencies.
- 15-75-323. Civil penalty.
- 15-75-324. Permit application approvals.

A.C.R.C. Notes. References to "this subchapter" in §§ 15-75-301 — 15-75-321 may not apply to § 15-75-322 which was enacted subsequently.

Acts 1993, No. 112, § 1, provided, in part, that:

"Persons licensed by the LP Gas Board pursuant to Chapter 75 of Title 15 of the Arkansas Code are exempt from the provisions of Chapter 33 of Title 17 of the Arkansas Code pertaining to heating, ventilation, air conditioning, and refrigeration when: (a) engaged in the installation, repair or replacement of an LP gas appliance so long as the appliance is not connected to a refrigeration system except that such person may also engage in the replacement or repair of an LP gas central heating unit when it is combined with an air conditioning unit, and (b) engaged in the installation of a venting system required for a vented-type LP appliance."

Publisher's Notes. The terms of the members of the Liquefied Petroleum Gas Board are arranged so that one term expires on January 14 of every year. Persons licensed by the LP Gas Board pursuant to Chapter 75 of Title 15 of the Arkansas Code are exempt from the provisions of Chapter 33 of Title 17 of the Arkansas Code pertaining to heating, ventilation, air conditioning, and refrigeration when: (a) engaged in the installation, repair or replacement of an LP gas appliance so long as the appliance is not connected to a refrigeration system except that such person may also engage in the replacement or repair of an LP gas central heating unit when it is combined with an air conditioning unit, and (b) engaged in the installation of a venting system required for a vented-type LP appliance.

Cross References. Licenses and permits, removal of disqualification for criminal offenses, § 17-1-103.

Effective Dates. Acts 1987, No. 375, § 3: Mar. 23, 1987; 1987, No. 842, § 3: Apr. 8, 1987. Emergency clauses provided: "It has been found and is declared by the General Assembly that a severe hardship exists in the rural areas of this State, as a result of extreme inconvenience being experienced by the users of liquefied petroleum gas in obtaining portable replacement cylinders for empty ones. It is further declared that the establishment of appropriate cylinder exchange stations throughout the rural areas will

greatly reduce the hardship and offer greater convenience in obtaining replacement service for the users. Therefore, an emergency is hereby declared to exist and this Act, being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 6, § 5: Jan. 29, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly that Arkansas is chiefly a rural state and that we are entering the coldest portion of the winter season; that shortages of LP gas threaten the health of our citizenry who reside in the rural areas of this state; and further that LP gas shortages result in major damage and loss to the poultry industry of this state. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force from and after its passage and approval."

Acts 1995, No. 604, § 7: Mar. 13, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly that certain provisions in the Arkansas Code regulating Class 2, Class 3, and Class 5 dealers in liquefied petroleum gas are obsolete and overly burdensome, and that the same should be amended as soon as possible to make those laws more equitable. Therefore, an emergency is hereby declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 1277, § 11: July 1, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and

provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

Acts 1999, No. 514, § 11: July 1, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1999 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1999 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1999."

Acts 1999, No. 1577, § 14: July 1, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that current areas of service for persons engaged in the liquefied petroleum gas business are inadequate and need to be expanded, that procedures for making applications for permits and for issuing permits are too lengthy and need to be revised in order to provide better service to the citizens of Arkansas, and that it is necessary for this law to take effect with the beginning on the state's new fiscal year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on July 1, 1999."

Acts 2001, No. 440, § 7: Feb. 23, 2001. Emergency clause provided: "It is hereby found and determined by the Eighty-third General Assembly that revisions to the Liquefied Petroleum Gas laws in 1999 have caused a backlog in certain classes of LP gas license

permits; that this backlog reduces the gas supply being distributed to the citizens of Arkansas; and that this act must take effect immediately in order to clarify the provisions of the class one permit process and to simplify the permit process for classes two through ten LP gas licensees so that the licensing backlog can be eliminated as quickly as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

15-75-301. Definitions.

As used in this subchapter:

(1) "Certificate of competency" means approval by the Liquefied Petroleum Gas Board of the employees to be placed in charge of operations, service, installation, and transportation by permit holders; and

(2) [Repealed.]

(3) "Permits" means the written authorization granted by the Director of the Liquefied Petroleum Gas Board with the board's approval to persons to engage in the liquefied petroleum gas business.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1999, No. 1577, § 4; 2019, No. 910, § 3182.

15-75-302. Annual permit required.

(a) Every person, as a condition to his or her right to store, sell, or transport liquefied petroleum gases in this state or to his or her right to install systems or to sell or install containers for the use of liquefied petroleum gases or to engage in the business of liquefied petroleum gases generally, shall first obtain a permit from the

Director of the Liquefied Petroleum Gas Board with the approval of the Liquefied Petroleum Gas Board as herein prescribed.

(b) Each permit shall be renewed annually.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1999, No. 1577, § 5.

15-75-303. Certification of competency required.

(a) No person shall transport, deliver, or handle liquefied petroleum gases or install any container or system, or connect any container to any liquefied petroleum gas system unless and until he or she shall have been certified by the Liquefied Petroleum Gas Board, which shall conduct an examination to determine whether he or she has sufficient knowledge and skill to perform the work in a safe and satisfactory manner.

(b) No certificate or permit shall be required for the storing and handling of portable containers or cylinders constructed in compliance with federal Department of Transportation regulations at cylinder exchange stations set up and established by authorized liquefied petroleum gas dealers as a means of furnishing adequate facilities for the convenient exchange of exhausted containers for fully serviced ones by their customers if:

(1) The water gallon capacity of any container does not exceed thirty (30) gallons;

(2) All cylinders are serviced by the authorized dealer at approved cylinder filling plants and transported to the exchange station by accepted methods;

(3) There is no sale of containers or their contents to the exchange station for resale to the user;

(4) The exchange station operator is properly instructed by the dealer in the appropriate safety procedures necessary for the operation of the station.

History. Acts 1965, No. 31, § 22; A.S.A. 1947, § 53-721; Acts 1987, No. 375, § 1; 1987, No. 842, § 1.

15-75-304. Certificates of competency — Qualifications.

(a) To be entitled to a certificate of competency, a person shall:

(1) Have satisfactory experience in the liquefied petroleum gas business or give proof of previous on-the-job training in the liquefied petroleum gas business satisfactory to the Liquefied Petroleum Gas Board as prescribed by its rules;

(2) Have not less than thirty (30) days' experience in the liquefied petroleum gas installation or transportation business; and

(3) Pass a written or oral examination as prescribed by the board.

(b) A new class one employee shall attend a forty-hour basic course in liquefied petroleum gas, as prescribed by the board, within the first year of his or her employment, or his or her certification certificate will be suspended until the course has been completed.

(c) A class one employee who changes from one class one employer to another class one employer who has not previously had the forty-hour basic training course, as prescribed by the board, shall do so within one (1) year of the transfer date of employment or his or her certification certificate will be suspended until the course has been completed.

(d)(1) The board may accept as its own a reciprocal state's transportation and delivery examination for a transport driver only if it contains substantially equivalent requirements as those required by the board.

(2) Substantial uniformity shall be demonstrated by a letter from the issuing authority of the state or a copy of a current and valid card issued by the reciprocal state.

(3) All applicable fees shall be paid to the board before the issuance of the certification card.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1995, No. 477, § 2; 1999, No. 224, § 1; 2007, No. 733, § 4; 2009, No. 481, § 10; 2019, No. 315, § 1269.

15-75-305. Applicants for permits.

(a)(1)(A)(i) Any person desiring to engage in the liquefied petroleum gas business in this state must file a formal application and supporting papers, together with a filing fee of fifty dollars (\$50.00), with the Director of the Liquefied Petroleum

Gas Board at least thirty (30) days prior to the approval of the application by the director.

(ii) Should the applicant be a corporation or partnership, copies of the articles of incorporation or partnership agreement, if any, shall accompany the application together with a certificate from the Revenue Division of the Department of Finance and Administration evidencing that all taxes due have been paid or otherwise negating state tax liability.

(iii) Application forms will be furnished by the director at any time upon request.

(B)(i) In determining whether to grant permits or certificates, the director shall be given a reasonable time in which to investigate the applicant.

(ii) If the permit or certificate is denied, the applicant shall be notified by registered mail.

(iii) The Liquefied Petroleum Gas Board shall review the director's decision on the approval of class one permit applications at its next regularly scheduled meeting.

(2)(A)(i) The director shall have the power and duty to receive, review, and approve applications for all classes of permits after applications and supporting papers have been filed with the director for at least thirty (30) days. The director may refuse to approve applications for permits for safety reasons.

(ii) The director may issue class one permits once all conditions and prerequisites have been met as set out in § 15-75-307 and the application has been approved by the board.

(iii) The director may issue class two through class ten permits after application and supporting papers have been on file for at least thirty (30) days and all conditions and prerequisites for those permits have been met as set out in §§ 15-75-308 — 15-75-317.

(B) The board, at its regularly scheduled meetings, shall review the director's decisions on the approval of applications for class one permits. The board may refuse to issue permits for safety reasons.

(3) Any applicant aggrieved by a denial by the director or any person or group of persons who are aggrieved by safety concerns because of the issuance of the permits by the director after the board's approval may appeal the decision within thirty (30) days thereof to the board by filing a notice of appeal with the board. The notice of appeal of the board's or director's decision shall be on a written form provided by the board. The notice of appeal shall suspend the action of the director in denying an application or in issuing or denying a permit until the next regular meeting of the board or until a special hearing by the board can be held.

(4) A meeting or hearing shall be held within at least thirty (30) days after the date of the filing of the notice of appeal unless the person appealing shall consent to a later hearing.

(5) Within five (5) days after the hearing is concluded, the board shall render its written decision on the appeal.

(6) The board is authorized on its own motion to review any action of the director in denying an application or in issuing or refusing to issue a permit and, upon review, to set aside any action of the director in any of these respects insofar as it pertains to safety issues.

(b) Applicants for class one permits, as defined in § 15-75-307, shall be present at the board meeting at which the review of the director's action on the application is to be considered.

(c) Before any application may be considered by the director and reviewed by the board, the applicant must have on file in the office of the director a certificate of intended insurance evidencing the kinds and amounts as required by this subchapter for the class of permit requested. After approval of the application and before the permit may be issued, a certificate of required insurance must be furnished bearing the clause, "The insurance company will notify the Director, Liquefied Petroleum Gas Board, thirty (30) days prior to cancellation of the insurance referred to herein." Binders by insurance agents are not acceptable for the purposes of this subchapter.

(d) All applicants must agree to provide adequate equipment and products which are satisfactory to the board.

(e) All persons in charge of operations and servicemen, installation men, and truck drivers must have a certificate of competency from the board. Each certificate of competency shall be renewed annually.

(f)(1) Applicants must have satisfactory experience in the liquefied petroleum gas business or have employed a recognized operator of the business with experience and competency. In order that the director or the board may be assured as to competency insofar as safety is concerned, applicants for permits to engage in the liquefied petroleum gas business generally shall qualify for new certificates of competency. One (1) or more employees who are to be engaged in the delivery and transportation of liquefied petroleum gas, and one (1) or more separate employees who are to be engaged in the installation of liquefied petroleum gas containers and systems, as well as a general safety supervisor, shall have a general knowledge of the characteristics of liquefied petroleum gases, as well as of their proper handling and utilization, along with a thorough knowledge and understanding of the National Fire Protection Association Pamphlet No. 58 and the State Liquefied Petroleum Gas Code covering the storage and handling of liquefied petroleum gases, as established by a current written or oral examination prepared and conducted by the director with the approval of the board.

(2) Applicants must agree to furnish whatever information the director or the board may require as to their ability to engage in the liquefied petroleum gas business and must also furnish whatever references the director or the board may require.

(g)(1) In order that the public or the user of liquefied petroleum gases may be assured of competent and efficient service to any container, system, or appurtenance, each dealer who has been issued a current permit or any applicant therefor in addition to competent gas delivery and transportation personnel, shall provide separate competent personnel for the installation and servicing of containers, systems, and appurtenances.

(2) In determining whether or not to grant a permit, the director and the board shall determine whether or not an applicant can provide safe and efficient service

to the public or the users in the area in which liquefied petroleum gas operations are to be conducted.

(h) In addition to the foregoing requirements, applicants must also meet the additional requirements listed under the specific class of permit desired.

(i) All foreign corporations doing business in this state in any phase of the liquefied petroleum gas business must furnish evidence of their qualifications to do business in the state as a foreign corporation.

(j) In addition to the foregoing, the board shall have the power to make reasonable application requirements by rule and shall adopt rules as it shall deem necessary to govern the procedures in any hearing to review the issuance or denial of permits.

(k)(1) Applicants for a class one permit must attend a forty-hour basic course in liquefied petroleum gas, as prescribed by the board, prior to the board meeting at which the review of the final action on their application may be heard.

(2) All owners, managers or officials, and employees connected to or listed on the class one application must attend the basic training course prior to the board meeting at which the review of their application may be heard.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 2; 1995, No. 477, § 3; 1999, No. 1577, § 6; 2001, No. 440, §§ 3-6; 2007, No. 733, § 5; 2019, No. 315, § 1270.

15-75-306. Issuance of permits — Classification.

(a) After approval of the application by the Director of the Liquefied Petroleum Gas Board and review by the Liquefied Petroleum Gas Board as provided in § 15-75-305, the director may issue the classes of permits set out in §§ 15-75-307 — 15-75-317 on the conditions indicated in those sections.

(b) All class one permit application approvals must have all prerequisites met and the permit issued within one (1) year of approval. If not issued within one (1) year of approval, the application will be returned to the applicant and a new application must be submitted to the director thirty (30) days prior to the date of the regular meeting at which the review of the director's action on the application is to be considered.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1997, No. 1277, § 4; 1999, No. 1577, § 7; 2007, No. 733, § 6.

15-75-307. Class one permit.

(a) The holder of a class one permit may engage in any phase of the liquefied petroleum gas business in a county or contiguous counties if he or she pays an annual permit fee of five hundred dollars (\$500) for the first county under the permit and three hundred dollars (\$300) for each contiguous county included under the permit.

(b) An applicant for a class one permit:

(1) Shall furnish to the Liquefied Petroleum Gas Board evidence of the following insurance:

(A)	Manufacturers' and Contractors' Bodily Injury Liability Insurance	Each Person	\$500,000
		Each Accident	500,000
(B)	Manufacturers' and Contractors' Property Damage Liability Insurance	Each Accident	\$500,000
		Aggregate	500,000
(C)	Products Bodily Injury Liability Insurance	Each Person	\$500,000
		Each Accident	500,000
		Aggregate	500,000
(D)	Products Property Damage Liability Insurance	Each Person	\$500,000
		Aggregate	500,000
(E)	Automobile Bodily Injury Liability Insurance	Each Person	\$500,000
		Each Accident	500,000

(F)	Automobile Property Damage	Each Accident	\$500,000
	Liability Insurance		

(2)(A) Shall designate a county in this state for:

(i) The location of the proposed principal place of business of the applicant; and

(ii) The proposed location of the principal bulk storage tank facility; and

(B) Shall maintain a twenty-four-hour emergency telephone number;

(3)(A) Must provide a list of counties in which the operation is to be conducted.

(B)(i) The applicant shall designate within one (1) Arkansas county the location of the proposed principal place of business of the applicant and the proposed location of the principal bulk storage tank facility.

(ii) The designated county shall be the home county area of operation of the applicant.

(C) The permit fee shall be paid for each county in which the applicant operates;

(4)(A) Shall provide full-time employment of qualified personnel whose competency shall be proven through a current written or oral examination.

(B) There shall be a minimum of three (3) employees.

(C) For each permit, one (1) employee shall be certified as a general safety supervisor and one (1) employee shall be certified as installation personnel.

(D) One (1) employee may be certified as both transport and delivery/installation, a combination certification, but that combination certification shall not relieve the requirement for a minimum of three (3) employees;

(5)(A)(i) Shall provide a bulk storage capacity of not less than thirty thousand (30,000) water gallons at the principal location of the permitted facility.

(ii) The principal location must be approved by the board in advance of the application.

(iii) The principal location must be maintained by the applicant in safe working condition throughout the duration of the permit under penalty of permit forfeiture by action of the board.

(B) Storage containers being used in connection with cotton gins, rice dryers, manufacturing plants, or any other type of commercial use, regardless of size, will not be accepted as bulk storage and cannot be included in the requirements for the thirty-thousand-gallon storage.

(C)(i) One (1) place of business that shall be the principal working location for the employees of the permitted facility shall be maintained within the state.

(ii) A twenty-four-hour emergency telephone number shall be posted and maintained;

(6)(A) Shall provide approved-type cylinder or bottle-filling facilities consisting of a separate pump, the capacity of which shall not be in excess of twenty (20) gallons per minute and shall be designed for the primary purpose of filling bottles.

(B) Where a manifold or multiple filling system is contemplated, the board shall be consulted regarding pump capacity;

(7) Shall provide equipment satisfactory to the board;

(8)(A) Shall provide switch track or tank loading and unloading facilities satisfactory to the board.

(B) All auxiliary equipment such as pumps, hoses, electrical switches, etc., shall be Underwriters' Laboratory-approved for liquefied petroleum gases; and

(9) In addition to the foregoing requirements, all class one applicants must comply with all other applicable requirements.

History. Acts 1965, No. 31, § 24; 1977, No. 396, § 2; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 3; 1995, No. 477, § 4; 1999, No. 1577, § 8; 2001, No. 1219, § 1; 2007, No. 733, § 7; 2009, No. 481, § 11.

15-75-308. Class two permit.

(a) The holder of a class two permit:

(1) May install liquefied petroleum gas piping and install and sell liquefied petroleum gas containers and appliances but may not deliver gas; and

(2) Must pay an annual permit fee in the sum of one hundred dollars (\$100).

(b) The applicant for a class two permit:

(1) Must furnish evidence of the following insurance:

(A)	Manufacturers' and Contractors' Bodily Injury Liability Insurance	Each Person	\$250,000
		Each Accident	500,000
(B)	Manufacturers' and Contractors' Property Damage Liability Insurance	Each Accident	\$250,000
		Aggregate	500,000
(C)	Products Bodily Injury Liability Insurance	Each Person	\$250,000
		Each Accident	500,000
		Aggregate	500,000
(D)	Products Property Damage Liability Insurance	Each Accident	\$250,000
		Aggregate	500,000

(2) Must provide a certified or notarized financial statement which has been compiled within the past sixty (60) days;

(3) Must provide full-time employment of qualified personnel whose competency shall be proven through a current written or oral examination; and

(4) Must comply with all other applicable requirements for class two applicants.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 4; 1995, No. 604, § 1.

15-75-309. Class three permit.

(a) The holder of a class three permit:

(1) May fill, sell, and deliver ICC/DOT cylinders and ASME motor fuel cylinders only;

(2) May establish cylinder exchange stations, deliver filled cylinders to ICC/DOT cylinder and ASME cylinder exchange stations, and service cylinders throughout the state;

(3) Must pay an annual permit fee in the sum of one hundred dollars (\$100);

(4) Must provide liquefied petroleum gas for the cylinders by the following method:

(A) Furnish a storage container to be located in Arkansas, with a capacity of not less than one thousand (1,000) gallons, unless the Liquefied Petroleum Gas Board authorizes a smaller container, in connection with the proper type filling facilities;

(B) Cylinders, not to exceed thirty (30) gallons, must be filled by weight or other approved method only at cylinder filling facilities approved by the board.

(b) The storage container furnished by the class three permit must be inspected and approved by the board prior to its first use in the class three operation and once annually thereafter.

(c) When any cylinder exchange station location changes status from active to inactive or inactive to active the class three permit holder must notify the board within thirty (30) days after the change of status.

(d) The applicant for a class three permit:

(1) Must furnish evidence of the following insurance:

(A) Manufacturers' and Contractors'	Each Person	\$500,000
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	Bodily Injury Liability Insurance	Each Accident	500,000
(B)	Manufacturers' and Contractors' Property Damage Liability Insurance	Each Accident	\$500,000
		Aggregate	500,000
(C)	Products Bodily Injury Liability Insurance	Each Person	\$500,000
		Each Accident	500,000
		Aggregate	500,000
(D)	Products Property Damage Liability Insurance	Each Accident	\$500,000
		Aggregate	500,000

(2) Must provide full-time employment of qualified personnel whose competency shall be proved through a current written or oral examination;

(3) Must provide a certified or notarized financial statement which has been compiled within the past sixty (60) days; and

(4) Must comply with all other applicable requirements.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 5; 1995, No. 604, § 2.

15-75-310. Class four permit.

The holder of a class four permit:

(1) May sell and install liquefied petroleum gas equipment used on internal combustion engines, permanently mounted on mobile equipment only;

(2) May not deliver liquefied petroleum gas;

(3) May not sell or install any other type of containers or appliances;

(4) Must comply with all applicable requirements; and

(5) Must pay an annual permit fee in the sum of fifty dollars (\$50.00).

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 6.

15-75-311. Class five permit.

(a) The holder of a class five permit:

(1) May deliver liquefied petroleum gas to or for class one dealers but shall not retail liquefied petroleum gas or sell or install liquefied petroleum gas containers or systems;

(2) Shall not use motor fuel directly from cargo trailer tanks;

(3) May deliver liquefied petroleum gas to class three dealers engaged in cylinder exchange, delivery, or service if the class three permit holder has installed an approved storage container with a minimum capacity of six thousand (6,000) gallons;

(4)(A) Shall be required to undergo an annual safety inspection on all transport delivery trucks. The safety inspection or documentation of the safety inspection shall be received by the office of the Director of the Liquefied Petroleum Gas Board prior to operation of the transport delivery trucks over Arkansas roads. All permit and inspection fees for Arkansas are applicable.

(B) The inspection shall be performed by:

(i) The Liquefied Petroleum Gas Board inspector; or

(ii) An acceptable qualified agency having jurisdiction or authority over liquefied petroleum gas;

(5) Must notify the board prior to the first delivery of liquefied petroleum gas to a class three permit holder to ensure that proper inspection of cylinder exchange filling facilities has been performed, and no delivery may be made until the facility has been inspected and approved by the board and the notice transmitted to the board; and

(6) Must pay an annual permit fee in the sum of two hundred dollars (\$200).

(b) An applicant for a class five permit:

(1) Must furnish evidence of the following insurance:

(A)	Automobile Bodily Injury	Each Person	\$500,000
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	Liability Insurance	Each Accident	500,000
(B)	Automobile Property Damage Liability Insurance	Each Accident	\$500,000

(2) Must provide a certified or notarized financial statement which has been compiled within the past sixty (60) days;

(3) Must provide full-time employment of qualified personnel whose competency shall be proved through a current written or oral examination; and

(4) Must comply with all other applicable requirements.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 7; 1995, No. 604, § 3; 1999, No. 223, § 1.

15-75-312. Class six permit.

(a) The holder of a class six permit:

(1) May transport liquefied petroleum gas over the highways of the state for delivery to points outside the state only;

(2) May not deliver liquefied petroleum gas to any Arkansas dealer, commercial or industrial plant, or directly to a consumer;

(3) May not sell or install any type of container or system;

(4) Must have all delivery equipment inspected and approved before being placed in operation and annually thereafter;

(5) Shall not use motor fuel directly from cargo tanks; and

(6) Must pay an annual permit fee in the sum of two hundred dollars (\$200).

(b) All transport truck operators must have certificates of competency from the Liquefied Petroleum Gas Board.

(c) An applicant for a class six permit:

(1) Must furnish evidence of the following insurance on each truck used in operations in this state:

(A)	Automobile Bodily Injury	Each Person	\$500,000
	Liability Insurance	Each Accident	500,000
(B)	Automobile Property Damage	Each Accident	\$500,000
	Liability Insurance		

(2) Must submit an inventory of all trucks traveling in this state showing the following information:

- (A) Name of liquefied petroleum gas tank manufacturer;
- (B) Code under which constructed;
- (C) Design working pressure and water capacity;
- (D) Relief valve setting;
- (E) Tank manufacturer's serial number;
- (F) Type and size of fuel tanks;
- (G) Number, type, and size of fire extinguishers;
- (H) Manufacturer's data sheet for each container, including fuel

tanks; and

(3) Must comply with all other applicable requirements.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 8; 1995, No. 477, § 5.

15-75-313. Class seven permit.

(a) The holder of a class seven permit:

- (1) May operate liquefied petroleum gas service stations;
- (2) May sell liquefied petroleum gas to operators of mobile equipment

only;

- (3) May not sell or install any type container or appliance;
- (4) May not fill any type container except those permanently mounted on

mobile equipment;

(5) Must provide storage and dispensing facilities suitable to the Liquefied Petroleum Gas Board;

(6) Must furnish evidence of the following insurance:

(A)	Manufacturers' and Contractors' Bodily Injury Liability Insurance	Each Person	\$500,000
		Each Accident	500,000
(B)	Manufacturers' and Contractors' Property Damage Liability Insurance	Each Accident	\$500,000
		Aggregate	500,000
(C)	Products Bodily Injury Liability Insurance	Each Person	\$500,000
		Each Accident	500,000
		Aggregate	500,000
(D)	Products Property Damage Liability Insurance	Each Accident	\$500,000
		Aggregate	500,000
	or		
	Garage Liability Bodily Liability Insurance	Each Person	\$500,000
		Each Accident	500,000
	or		
	Garage Liability Property Damage Liability Insurance	Each Accident	\$500,000

(7) Must pay an annual permit fee in the sum of one hundred dollars (\$100).

(b) In addition to the foregoing requirements, all class seven applicants must comply with all other applicable requirements.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 9; 1995, No. 477, § 6.

15-75-314. Class eight permit.

(a) Class eight permits may be issued to, but not limited to, refineries, jobbers, or sellers of liquefied petroleum gas.

(b) Holders of class eight permits:

(1) May sell to permit holders exclusively; and

(2) Must pay an annual permit fee in the sum of two hundred dollars

(\$200).

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 8; 1995, No. 477, § 5.

15-75-314. Class eight permit.

(a) Class eight permits may be issued to, but not limited to, refineries, jobbers, or sellers of liquefied petroleum gas.

(b) Holders of class eight permits:

(1) May sell to permit holders exclusively; and

(2) Must pay an annual permit fee in the sum of two hundred dollars

(\$200).

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 10.

15-75-315. Class nine permit.

(a) Holders of class nine permits:

(1) May sell liquefied petroleum gas containers or equipment to permit holders exclusively;

(2) Must furnish evidence of the following insurance:

(A)	Manufacturers' and Contractors'	Each Person	\$500,000
	Bodily Injury Liability	Each Accident	500,000
	Insurance		
(B)	Manufacturers' and Contractors'	Each Accident	\$500,000
	Property Damage Liability	Aggregate	500,000

Insurance

(C)	Products Bodily Injury Liability Insurance	Each Person	\$500,000
		Each Accident	500,000
		Aggregate	500,000
(D)	Products Property Damage Liability Insurance	Each Accident	\$500,000
		Aggregate	500,000

(3) Shall submit, for approval by the Director of the Liquefied Petroleum Gas Board, blueprints and specifications in duplicate for each type of container before any liquefied petroleum gas containers are shipped into the state. All fittings and the manufacturer thereof shall be listed, and no variation from prints submitted will be permitted until the variations from the plans submitted have received approval by the director;

(4)(A) Must file a report of containers shipped. On the date of shipment, the manufacturer must forward a list of each container on an approved form, together with one (1) data sheet for each container shipped into the state, showing manufacturer's serial number, capacity in gallons, and to whom shipped.

(B) Each manufacturer and jobber of liquefied petroleum gas containers shall forward to the Liquefied Petroleum Gas Board, together with the required notice of shipment and data sheet on the same day shipment is made, the following registration fees for each container shipped into the state:

(i) Containers of fifty (50) water gallon capacity or less
..... \$5.00

(ii) Over fifty (50) water gallon through one hundred twenty (120) gallon capacity \$10.00

(iii) Over one hundred twenty (120) water gallon through five hundred (500) gallon capacity \$20.00

(iv) Over five hundred (500) water gallon through two thousand (2,000) gallon capacity \$20.00

(v) Over two thousand (2,000) water gallon capacity \$25.00

(vi) Fuel containers used on mobile equipment such as automobiles, tractors, and trucks \$5.00

(5) Must attach a registration tag to each container shipped. However, bulk storage containers, delivery trucks, transport trucks, and containers of thirty (30) water gallon capacity or less manufactured in compliance with the federal Interstate Commerce Commission are exempt from registration tags and fees;

(6) Must furnish photostats of current American Society of Mechanical Engineers certificate of authorization and field card of shop inspector;

(7) Must sell liquefied petroleum gas containers or equipment to permit holders exclusively; and

(8) Must pay an annual permit fee in the sum of one hundred dollars (\$100).

(b) In addition to the foregoing requirements, all class nine applicants must comply with all other applicable requirements.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 11; 1995, No. 477, § 7.

15-75-316. Class ten permit.

(a) Holders of class ten permits:

(1) May engage in the installation of liquefied petroleum gas piping and appliances in any type building, but may not sell or install liquefied petroleum gas containers; and

(2) Must pay an annual permit fee in the sum of one hundred dollars (\$100).

(b) Applicants for class ten permits:

(1) Must furnish evidence of the following insurance:

(A)	Manufacturers' and Contractors'	Each Person	\$500,000
	Bodily Injury Liability Insurance	Each Accident	500,000
(B)	Manufacturers' and Contractors'	Each Accident	\$500,000
	Property Damage Liability Insurance	Aggregate	500,000

(2) Must provide a certified or notarized financial statement which has been compiled within the past sixty (60) days;

(3) Must provide full-time employment of qualified personnel whose competency shall be proved through a current written or oral examination; and

(4) Must comply with all other applicable requirements.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1991, No. 300, § 12; 1995, No. 477, § 8.

15-75-317. Approval prerequisite to supplying or acquiring certain equipment and products.

(a) No applicant for a permit shall purchase, lease, rent, or furnish any equipment or product which is subject to inspection or regulation by the Liquefied Petroleum Gas Board until the application has been approved and authority to purchase has been granted by the Director of the Liquefied Petroleum Gas Board.

(b) No permit holder shall sell, lease, rent, or furnish any equipment or product which is subject to inspection or regulation by the board to any applicant until the application has been approved and the authority to purchase has been granted by the director.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723; Acts 1999, No. 1577, § 9.

15-75-318. Fees — Times payable.

(a) All fees for permits as classified in §§ 15-75-307 — 15-75-316 are payable on or before January 1 each year.

(b) All fees for inspection must be paid not later than thirty (30) days after inspections are made.

History. Acts 1965, No. 31, § 24; A.S.A. 1947, § 53-723.

15-75-319. Reinstatement or transfer of permits — Automatic revocation upon suspension of business.

(a) Each permit authorized by the Liquefied Petroleum Gas Board shall be issued in the name of the person for whom approval was granted.

(b) No permit shall be transferable to any other person without prior approval by the board.

(c) The permits of all holders who shall cease doing business as authorized by their permits for a period of twenty (20) days shall be automatically revoked and may be reinstated only by action of the board.

(d) A transfer of an existing permit or a reinstatement of an automatic revocation of an existing permit pursuant to this subchapter may be made only upon compliance with this subchapter and rules pertaining to new applications, and the proposed transfers or reinstatements shall meet all requirements for new applications.

History. Acts 1965, No. 31, § 26; A.S.A. 1947, § 53-725; Acts 2019, No. 315, § 1271.

15-75-320. Sales restrictions.

(a) No dealer shall sell or offer for sale liquefied petroleum gas or conduct liquefied petroleum gas operations of any type in any area of this state in which certified personnel are not readily available for proper and efficient service to the users' containers, systems, or appurtenances.

(b) Each existing or new permit issued by the Liquefied Petroleum Gas Board shall designate accurately the county or counties in which the holder may conduct liquefied petroleum gas operations.

(c) No dealer shall sell or offer for sale liquefied petroleum gas or conduct liquefied petroleum gas operations of any type in any county or counties not shown on and authorized by a current permit.

(d)(1) Any dealer desiring to enlarge or expand liquefied petroleum gas service beyond his or her permitted counties may add a contiguous county to his or her permit by:

(A) Providing thirty (30) days' written notice of his or her intention to the director; and

(B) Paying a permit fee of three hundred dollars (\$300) for each additional county to be included under the permit.

(2) The director shall report any additional counties included under a class one permit issued under subdivision (d)(1) of this section to the board at its next meeting.

History. Acts 1965, No. 31, § 25; A.S.A. 1947, § 53-724; Acts 1999, No. 1577, § 10; 2001, No. 1219, § 2; 2007, No. 733, § 8.

15-75-321. Suspension of certificate of competency — Revocation of permit or certificate.

(a) The Director of the Liquefied Petroleum Gas Board or any inspector of the Liquefied Petroleum Gas Board is authorized to temporarily suspend the certificate of competency of any person subject to this subchapter if it shall be determined that the person, while engaged in liquefied petroleum gas operations, is so engaged in a reckless, careless, or unsafe manner or in an intoxicated state which endangers human life, provided that those persons shall have an opportunity to contest the suspension under the provisions of this subchapter as hereinafter provided for.

(b) The board, upon sufficient proof, may revoke, suspend, reprimand, place on probation, refuse to renew, or refuse to issue the permit or certificate of competency of any holder or person for cause or willful violation of any of the laws or rules as promulgated by the board after due notice, provided that all persons shall be entitled to a hearing before the board to show cause why the permit or certificate of competency

should not be revoked. Any person whose certificate of competency has been temporarily suspended by the director or an inspector of the board shall be entitled to a hearing before the board at its next meeting to show cause why the certificate of competency should not be permanently revoked. No person whose permit or certificate of competency is suspended temporarily or permanently revoked hereunder shall engage in any phase of the liquefied petroleum gas business until authorized to do so by order of the board.

(c) The board is empowered to administer oaths and affirmations, to take depositions, to certify to official actions, and to issue subpoenas to compel the attendance of witnesses and the production of books, papers, and records deemed necessary as evidence in connection with any matter properly before it. In case of contumacy by a witness or a party or a refusal by any person to obey a subpoena, any court within the jurisdiction in which the witness, party, or other person is found or resides or transacts business, upon application by the board, shall issue to the witness, party, or other person as aforesaid an order requiring the person to appear before the board and to produce evidence if so ordered or to give testimony touching on the matter involved. Any failure to obey the order of the court may be punished by the court as a contempt thereof. A person who without just cause fails or refuses to attend and testify or answer any lawful inquiry or to produce books, papers, or records in obedience to a subpoena of the board shall be punished by a fine of not less than two hundred dollars (\$200) or by imprisonment of not longer than sixty (60) days, or by both. Each day the violation continues is a separate offense and may be punished as such. If a holder of a permit or a certificate of competency violates any provision of this subsection, the board may immediately revoke his or her permit or certificate of competency, and the person shall not thereafter engage in any phase of the liquefied petroleum gas business until he or she has complied with reasonable orders the board may make in connection therewith.

(d) All action taken by the board pursuant to this section is subject to judicial review by the Pulaski County Circuit Court as provided for in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(e) An applicant for or holder of a permit may not engage in any phase of the liquefied petroleum gas business covered by the permit during any period of refusal to grant or of revocation by the board, including the period of the pendency of any appeal from action by the board.

(f) All suppliers of liquefied petroleum gases, containers, and equipment, when notified by the board of a revoked permit, may not legally sell liquefied petroleum gas, containers, or equipment to any person whose permit shall have been revoked.

(g) All fines, penalties, forfeitures, and moneys of all description received by the board shall be deposited into the State Treasury to the credit of the Liquefied Petroleum Gas Fund.

History. Acts 1965, No. 31, § 27; A.S.A. 1947, § 53-726; Acts 1995, No. 477, §§ 9, 10; 2019, No. 315, § 1272.

15-75-322. Shortage emergencies.

(a) The Governor of the State of Arkansas may join with the governor of any other state in declaring a liquefied petroleum gas shortage emergency.

(b) When the declaration is issued, liquefied petroleum gas trucks and operators meeting all certification, permit, and licensing requirements of the United States Government and their home state shall be permitted to transport liquefied petroleum gas in and through Arkansas without obtaining any license, permit, or certification by an agency of the State of Arkansas.

(c) The waiver of Arkansas licensing, permitting, and certification laws and rules regarding liquefied petroleum gas trucks and operators thereof shall be valid only during the time of the emergency.

History. Acts 1991, No. 6, § 1; 2019, No. 315, § 1273.

15-75-323. Civil penalty.

(a) In addition to any other penalty provided in this chapter, any person who violates any provision of this chapter, or any rule pertaining thereto, shall pay to the

Liquefied Petroleum Gas Board a civil penalty of not more than five thousand dollars (\$5,000) for each offense.

(b)(1) If a person against whom a civil penalty has been imposed by the board fails to pay the penalty, the board may file an action in the Pulaski County Circuit Court to collect the civil penalty.

(2) If the board prevails in the action, the defendant shall be directed to pay, in addition to the civil penalty, reasonable attorney's fees and costs incurred by the board in prosecuting the action.

History. Acts 1995, No. 477, § 11; 2019, No. 315, § 1274.

15-75-324. Permit application approvals.

All class one (1) permit application approvals must have all prerequisites met and the permit issued within six (6) months of approval by the Liquefied Petroleum Gas Board. If not issued within six (6) months of approval, the application will be returned to the applicant and a new application must be submitted to the board thirty (30) days prior to the date of the regular meeting at which the application is to be considered.

History. Acts 1999, No. 514, § 4.

15-75-401. Vapor pressure.

The vapor pressure of any gases delivered for use in any container shall not exceed, at one hundred degrees Fahrenheit (100°F), the allowable pressure for gas to be used in the container as fixed by the manufacturer.

History. Acts 1965, No. 31, § 16; A.S.A. 1947, § 53-715.

15-75-402. Strength of butane containers.

Each container, except containers designed to operate under refrigerated or cryogenic conditions, where used in the transportation or storage of a liquefied petroleum gas mixture known as butane gas shall be designed and constructed to withstand an internal pressure of not less than one hundred twenty-five pounds (125 lbs.) per square inch.

History. Acts 1965, No. 31, § 16; A.S.A. 1947, § 53-715.

15-75-403. Strength of propane containers.

Each container, except containers designed to operate under refrigerated or cryogenic conditions, where used for the storage or transportation of a liquefied petroleum gas mixture known as propane gas shall be designed and constructed to withstand an internal pressure of not less than two hundred fifty pounds (250 lbs.) per square inch.

History. Acts 1965, No. 31, § 16; A.S.A. 1947, § 53-715.

15-75-404. Inspection.

(a) Each container used for the storage or transportation of liquefied petroleum gases for distribution or resale shall be inspected at least once annually.

(b) Each container which is to be used or connected as a part of a plant or to a system for the utilization of liquefied petroleum gases shall have a state registration tag of approval attached before installation and shall be inspected thereafter at such times and in such manner as may be determined under the rules of the Liquefied Petroleum Gas Board.

(c) No bulk or commercial storage container shall be installed or moved and reinstalled at any location prior to approval by the board.

(d) Any inspector of the board who, after inspection of any container or system, shall find it unsafe, shall forbid its further use.

History. Acts 1965, No. 31, § 18; 1981, No. 199, § 1; 1985, No. 909, § 2; A.S.A. 1947, § 53-717; Acts 2019, No. 315, § 1275.

15-75-405. Use of unapproved containers and systems.

(a) No person shall use, install, or operate or cause to be used, installed, or operated any container or system until approved by the Liquefied Petroleum Gas Board.

(b) No person shall sell, service, or deliver any gases for use in any container or system prior to approval of the containers or system by the board, nor shall any person

sell, service, or deliver gases for use in any container or system, the approval of which has been denied by the board.

History. Acts 1965, No. 31, § 20; A.S.A. 1947, § 53-719.

15-75-406. Unlawful use of containers.

(a) If a liquefied petroleum gas container shall bear upon the surface thereof in plainly legible characters the name, mark, initials, or other identifying device of the owner thereof, it shall be unlawful for any person except the owner or a person authorized in writing by him or her:

(1) To fill or refill the container with liquefied petroleum gas or any other gas or compound;

(2) To buy, sell, offer for sale, give, take, loan, deliver, or permit to be delivered, or otherwise use, dispose of, or traffic in any such container; or

(3) To deface, erase, obliterate, cover up, or otherwise remove, conceal, or change any such name, mark, initials, or other identifying device of the owner or to place the name, mark, initials, or other identifying device of any person other than the owner on the container.

(b) The use of liquefied petroleum gas containers by any person other than the person whose name, mark, initial, or device shall be or shall have been upon the liquefied petroleum gas containers, without written consent or purchase of the marked and distinguished liquefied petroleum gas container, for the sale of liquefied petroleum gas or filling or refilling with liquefied petroleum gas, or the possession of the liquefied petroleum gas containers by any person other than the person having his or her name, mark, initial, or other device thereon, without the written consent of the owner, shall be and is declared to be presumptive evidence of the unlawful use, filling or refilling, transition of, or trafficking in the liquefied petroleum gas containers.

(c) Whenever any person or the president, secretary, treasurer, or other officer of any corporation mentioned in subsection (e) of this section or his, her, its, or their authorized agent who has personal knowledge of the facts, shall make oath in writing before any justice of the peace, municipal judge, or other magistrate that the party so

making the affidavit has reason to believe and does believe that any of his, her, its, or their liquefied petroleum gas containers marked with the name, initials, mark, or other device of the owner are in the possession of or being used by or being filled or refilled or transferred by any person whose name, initials, mark, or other device does not appear on the containers, and who is in the possession of, filling or refilling, or using any of the containers without the written consent of the owner of the name, initials, or trademark, the magistrate may, when satisfied that there is reasonable cause:

(1) Issue a search warrant and cause the premises designated to be searched for the purpose of discovering and obtaining the containers; and

(2) May also cause to be brought before him or her the person in whose possession such containers may be found and shall then inquire into the circumstances of such a possession. If the magistrate finds that the person has been guilty of a violation of this section, he or she shall impose the punishment herein prescribed, and he or she shall also award the possession of property taken upon the search warrant to the owner thereof.

(d) Any person who shall fail to comply with any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than ninety (90) days or by a fine of not less than twenty-five dollars (\$25.00) and not exceeding three hundred dollars (\$300), or by both fine and imprisonment, for each separate offense.

(e) As used in this section, unless the context otherwise requires:

(1) "Person" means and includes any person, firm, or corporation; and

(2) "Owner" means and includes:

(A) Any person who holds a written bill of sale or other instrument under which title to the container was transferred to the person;

(B) Any person who holds a paid or receipted invoice showing purchase and payment of the container;

(C) Any person whose name, initials, mark, or other identifying device has been plainly and legibly stamped or otherwise shown upon the surface of the container for a period of not less than one (1) year prior to March 12, 1957; or

(D) Any manufacturer of a container who has not sold or transferred ownership thereof by written bill of sale or otherwise.

(f)(1) If a seller of liquefied petroleum gas is unable to promptly respond to a request for the delivery of liquefied petroleum gas from a person lawfully in possession of a liquefied petroleum gas container bearing upon the surface thereof the name, mark, initials, or other identifying device of that seller, the seller shall immediately authorize in writing some other seller, or sellers, to fill or refill the liquefied petroleum gas container. This authorization, including the name, address, and telephone number of the authorized seller, shall be immediately communicated to any customer of the original seller who inquires regarding the delivery of liquefied petroleum gas.

(2) For the purposes of this subsection, a seller is able to "promptly respond to a request" to deliver liquefied petroleum gas if the seller can complete the delivery within ninety-six (96) hours of the request.

(3) This section shall not apply when a seller of liquefied petroleum gas has determined that:

(A) The gas container in the possession of the person requesting delivery is more than ten percent (10%) full;

(B) Delivery of the liquefied petroleum gas would create a safety hazard because of equipment defects;

(C) The person requesting delivery has failed to pay the seller for a previous delivery of liquefied petroleum gas; or

(D) Credit has not been established with the seller by the person requesting delivery, and the person requesting delivery is unable to pay for the liquefied petroleum gas in full at the time of delivery.

(4) In order to expedite the delivery of liquefied petroleum gas, the required pressure testing by the seller is waived for any delivery of liquefied petroleum gas under this subsection only.

(g)(1) The Director of the Liquefied Petroleum Gas Board may allow a liquefied petroleum gas company to fill or service another liquefied petroleum gas company's container during a declared state of emergency by the Governor if the liquefied

petroleum gas company owning the container will not or cannot fill or service the container within twenty-four (24) hours after the request for service by a person or company.

(2) If the director determines that there is an immediate need to fill the liquefied petroleum gas container during the declared emergency, the director may authorize the filling of the container in less than the twenty-four-hour period if the company owning the container will not or cannot fill or service the container in less than the twenty-four-hour period.

(3) To expedite the delivery of liquefied petroleum gas, the required pressure testing by the seller is waived for any delivery of liquefied petroleum gas under this subsection during a declared emergency.

History. Acts 1957, No. 257, §§ 1-5; A.S.A. 1947, §§ 53-730 — 53-734; Acts 2001, No. 918, § 1; 2009, No. 528, § 1.

15-75-407. Retail sellers to furnish account statements to certain customers.

(a) Each person, corporation, partnership, association, or other entity engaging in the business of selling liquefied petroleum gas at retail in the state shall furnish within the first twenty (20) days of each calendar month to each retail customer in the state having a credit balance of twenty dollars (\$20.00) or more a statement of the customer's account showing that credit balance.

(b) The Liquefied Petroleum Gas Board shall see that every propane dealer doing business in the State of Arkansas receives a copy of this section and shall monitor compliance with this section.

(c) The failure of any person, corporation, partnership, association, or other entity to comply with the provisions of this section or the rules of the board adopted pursuant to the provisions of this section shall constitute grounds for the revocation or suspension of the license or permit of each person or entity to engage in the business of selling liquefied petroleum gas at retail in this state.

History. Acts 1985, No. 247, §§ 1-3; A.S.A. 1947, §§ 53-735 — 53-737; Acts 2019, No. 315, § 1276.