

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1072
SENATE BILL 340

1 AN ACT TO ESTABLISH A UNIFORM CODE OF SAFETY FOR THE HANDLING OF
2 LIQUEFIED PETROLEUM GASES.

3
4 The General Assembly of North Carolina do enact:
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6 **Section 1.** Article 4, Chapter 119 of the General Statutes of North Carolina, as the
7 same appears in 1958 Replacement Volume 3B, and the 1959 Supplement thereto, is hereby
8 repealed. A new Act, to be entitled Article 4, "A Uniform Safety Code for the Handling of
9 Liquefied Petroleum Gases" is substituted therefor as follows:

10 "ARTICLE 4

11 "**G.S. 119-48. Purpose; definition.** It is the purpose of this Article to provide for the adoption
12 and promulgation of a code of safety, and such rules and regulations setting forth minimum
13 general standards of safety for the design, construction, location, installation, and operation of
14 the equipment used in handling, storing, measuring, transporting, distributing and utilizing
15 liquefied petroleum gases, and to provide for compliance therewith; to promote and regulate the
16 compliance of suppliers and consumers with the code, the laws, rules and regulations enacted in
17 pursuance of safety, to provide for administration and enforcement of the code, laws, rules and
18 regulations. The term 'liquefied petroleum gas' as used in this Article shall mean and include
19 any material which is composed predominately of any of the following: hydrocarbon, or
20 mixtures of the same; propane, propylene, butanes (normal butanes or isobutane), butylenes.

21 "**G.S. 119-49. Minimum standards.** The standards as set forth in Pamphlet No. 58 of the
22 National Fire Protection Association entitled, THE STORAGE AND HANDLING OF
23 LIQUEFIED PETROLEUM GASES dated June, 1960, and Pamphlet No. 54 of the National
24 Fire Protection Association entitled, INSTALLATION OF GAS APPLIANCES AND GAS
25 PIPING dated June, 1959, and the rules and regulations promulgated by the North Carolina
26 State Board of Agriculture are hereby adopted as it sets forth herein, as safety standards for the
27 design, construction, location, installation and operation of equipment and facilities used in
28 handling, storing, and distribution of liquefied petroleum gas, subject, always, to the power and
29 authority of the North Carolina State Board of Agriculture to adopt, reject, or to add to any
30 provisions set forth in said pamphlets as above entitled after a public hearing held upon fifteen
31 (15) days notice. After adoption by the Board of Agriculture of such provision or provisions as
32 it may consider necessary in furtherance of the purposes of this Article, such provision or
33 provisions shall become a part of this Safety Code to the same extent as if written in this Act.

34 "Any municipality or political subdivision may adopt and enforce a Safety Code dealing
35 with the handling of liquefied petroleum gas, which code shall conform with the code adopted
36 by the State Board of Agriculture, and the inspection service rendered by such municipality or
37 political subdivision shall conform to the requirements of the inspection service rendered by the
38 State Board of Agriculture in the enforcement of this Article.

39 "**G.S. 119-50. Registration.** Any person, firm, or corporation engaged in or who desires to
40 engage in the business of selling or otherwise dealing in liquefied petroleum gas which requires
41 handling, storing, measuring, transporting or distributing liquefied petroleum gas, or who is
42 engaged in or desires to engage in the business of installing, servicing, repairing, adjusting,
43 connecting, or disconnecting containers, equipment or appliances which use liquefied

1 petroleum gas, shall, within sixty (60) days after the ratification of this Act and annually
2 thereafter, on or before January 1 of each year, register with the Commissioner of Agriculture
3 of North Carolina on a form or forms to be furnished by the Commissioner of Agriculture; such
4 form or forms shall give the name and address of the person, firm, or corporation, and the place
5 or places of and the type or types of business of such registrant, and such other pertinent
6 information as the Commissioner may deem necessary; provided, however, that the provisions
7 of this Section shall not apply to a person, firm, or corporation who retails liquefied petroleum
8 gas in containers of less than fifty (50) pounds water capacity only which retailing does not
9 involve the filling of such containers.

10 "Any person, firm, or corporation which is engaged in, or which desires to engage in the
11 business of selling, handling, storing, measuring, transporting, or distributing liquefied
12 petroleum gas; or which shall install, service, repair, adjust, connect, or disconnect containers,
13 equipment, or appliances which use liquefied petroleum gas, shall certify, under oath on the
14 same form of registration as required by this Section that the person, firm, or corporation
15 applying for registration has a copy of Pamphlet No. 58 of the National Fire Protection
16 Association, and a copy of Pamphlet No. 54 of the National Fire Protection Association, and a
17 copy of the rules and regulations adopted by the North Carolina State Board of Agriculture, and
18 that the said person, firm, or corporation has read and is familiar with the provisions thereof.

19 "Such applicant shall obtain and maintain product liability and general comprehensive
20 insurance of twenty-five thousand dollars (\$25,000.00) for bodily injury to, or death of, one
21 person in any one accident, and subject to said limit for one person, fifty thousand dollars
22 (\$50,000.00) because of bodily injury to, or death of, two or more persons in any one accident,
23 and twenty-five thousand dollars (\$25,000.00) because of injury to, or destruction of, property
24 of others in any one accident; or shall in lieu of said insurance file and maintain a bond in a
25 form satisfactory to the commissioner which provides protection for the public in the same
26 amounts and to the same extent as said insurance.

27 "**G.S. 119-51. Administration.** It shall be the duty of the Commissioner of Agriculture to
28 administer all the provisions of this Article and all the rules and regulations made and
29 promulgated under this Article relating to the handling, odorizing, storing, measuring,
30 transporting, distributing, and utilizing liquefied petroleum gases; to investigate for violations
31 of this Article and the rules and regulations adopted pursuant to the provisions thereof, and to
32 prosecute violations of this Article or of such rules and regulations adopted as hereinabove set
33 forth. It is specifically provided that the rules and regulations of the Board of Agriculture
34 adopted in conformity with this Article shall have the force and effect of law, and that
35 violations of said rules and regulations shall be misdemeanors, punishable as hereinafter
36 provided.

37 "**G.S. 119-52. Unlawful Acts.** It shall be unlawful for any person, firm, or corporation to
38 handle, store, or distribute liquefied petroleum gas contrary to and in violation of the uniform
39 safety code adopted by the Board of Agriculture, or the rules and regulations of the said board,
40 adopted under the authority of this Article; it shall be unlawful to sell any gas burning
41 appliance designed and/or built for domestic use which has not been approved by the American
42 Gas Association, Inc., or other underwriting laboratory approved by the Commissioner of
43 Agriculture, or by the Commissioner of Agriculture; or to install any unvented heating
44 appliance in a so-called trailer house, or to install unvented space heating appliances in a
45 sleeping room that has an input of over 30 BTU per cubic feet of enclosure. It shall be unlawful
46 for any person, firm, or corporation to fill a consumer tank or container in excess of 85 per cent
47 of its water capacity, or to fill a tank or container on the premises of a consumer that is not
48 equipped with a 'fill tube' or gauge, except that said tank or container may be filled by weight,
49 provided the tank or container is weighed before and after filling and a ticket showing gross
50 tare and net weight is given to the consumer; or to disconnect an appliance from a gas supply
51 line without capping or plugging said line before leaving premises; or to turn on the gas after

1 re-establishing an interrupted service without first having checked and closed all gas outlets; or
2 to install, maintain or transport a gas tank or container filled with gas that is not equipped with
3 safety relief connected directly into the vapor space of same.

4 "Every supply tank or container with its regulating equipment connected in a service
5 system, shall be identified as long as it is in service by the supplier with an attached tag, label,
6 or marking which shall show the name of the person, firm, or corporation who is supplying
7 liquefied petroleum gas to said system; and it shall be unlawful for any person, firm, or
8 corporation other than such supplier or owner of system, to disconnect, or to interrupt, or to fill
9 said system with liquefied petroleum gas without the consent of the said supplier. However,
10 when some other registered supplier is requested by the consumer to connect his service and is
11 given permission by the consumer to connect service, the new supplier shall notify former
12 supplier before disconnecting former service, and the connection of his own service, and shall
13 cap or plug all disconnected equipment outlets and leave said equipment in condition consistent
14 with the safety code adopted by this Act.

15 "It shall be unlawful for any person, firm, or corporation to violate any of the provisions of
16 this Article, or to violate any of the rules and regulations established under the authority of this
17 Article by the Board of Agriculture.

18 "**G.S. 119-35. Penalty.** Any person, firm, or corporation violating any of the provisions of this
19 Article, or any of the rules and regulations made and promulgated in accordance with the
20 provisions of this Article, shall be deemed guilty of a misdemeanor, and upon conviction
21 thereof, shall be punished by fine or imprisonment, or both, in the discretion of the court."

22 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

23 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

24 In the General Assembly read three times and ratified, this the 21st day of June,
25 1961.