

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 486
SENATE BILL 410

AN ACT TO REWRITE THE LIQUEFIED PETROLEUM GASES SAFETY LAW.

The General Assembly of North Carolina enacts:

Section 1. Chapter 119, Article 4 of the General Statutes is hereby rewritten as follows:

"§ 119-48. Purpose; definitions. — It is the purpose of this Article to provide for the adoption and promulgation of a code of safety, and such rules and regulations setting forth minimum general standards of safety for the design, construction, location, installation, and operation of the equipment used in handling, storing, measuring, transporting, distributing, and utilizing liquefied petroleum gases and to provide for the administration and enforcement of the code and such rules and regulations thereby adopted. Words used in this Article shall be defined as follows:

- (1) 'Board' means the North Carolina Board of Agriculture.
- (2) 'Commissioner' means the Commissioner of Agriculture or his designated agent.
- (3) 'Dealer' means any person, firm, or corporation who is engaged in or desires to engage in:
 - a. The business of selling or otherwise dealing in liquefied petroleum gases which require handling, storing, measuring, transporting, or distributing liquefied petroleum gas; or
 - b. The business of installing, servicing, repairing, adjusting, connecting, or disconnecting containers, equipment, or appliances which use liquefied gas. A person who engages in any of the aforementioned activities only in connection with his or his employer's use of liquefied petroleum gas and not as a business shall not be deemed to be a 'dealer' for the purposes of this Article.
- (4) 'Liquefied petroleum gas' means any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butanes or isobutane), butylenes.

"§ 119-49. Power of Board of Agriculture to set minimum standards; regulation by political subdivisions. — The Board shall have the power and authority to set minimum standards and promulgate rules and regulations for the design, construction, location, installation, and operation of equipment and facilities used in handling, storing, measuring, transporting, distributing, and utilizing liquefied petroleum gas.

Any municipality or political subdivision may adopt and enforce a safety code dealing with the handling of liquefied petroleum gas which conforms with the regulations adopted by the Board, and the inspection service rendered by such municipality or political subdivision shall conform to the requirements of the inspection service rendered by the Board in the enforcement of this Article.

"§ 119-50. Registration of dealers; liability insurance or bond required. — A person shall not hold himself out as a dealer without first having registered as herein provided. A dealer shall annually on or before January 1 of each year register with the Commissioner on a form to

be furnished by the Commissioner. Such form shall give the name and address of the dealer, the place or places of and type or types of business such dealer, and such other pertinent information as the Commissioner may deem necessary.

A dealer shall obtain and maintain comprehensive general liability insurance including product liability of one hundred thousand dollars (\$100,000) combined single limits and, when applicable, comprehensive automobile liability insurance of one hundred thousand dollars (\$100,000) combined single limits. Verification of said insurance coverage shall be made in a manner satisfactory to the Commissioner. In lieu of insurance, the dealer may file and maintain a bond in a form satisfactory to the Commissioner which provides protection for the public in the same amounts and to the same extent as said insurance.

The provisions of this section shall not apply to a dealer who retails liquefied petroleum gas in containers of less than 50 pounds water capacity and which retailing does not involve the filling of such containers.

"§ 119-51. Administration of Article; rules and regulations given force and effect of law.

— It shall be the duty of the Commissioner to administer all the provisions of this Article and all the rules and regulations made and promulgated under this Article; to investigate for violations of this Article and the rules and regulations adopted pursuant to the provisions thereof, and to prosecute violations of this Article or of such rules and regulations adopted pursuant to the provisions thereof.

"§ 119-52. Unlawful acts. — (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;
- (2) install any unvented space heating appliance in a mobile home as defined in G.S. 143-145(7);
- (3) install any unvented space heating appliance in a sleeping room that has an input of over 30 BTU per cubic feet of enclosure;
- (4) fill a consumer tank or container in excess of 85 percent (85%) of its water capacity, or to fill a tank or container on the premises of a consumer that is not equipped with a fill tube or gauge; provided, said tank or container may be filled by weight if the tank or container is weighed before and after filling;
- (5) disconnect an appliance from a gas supply line without capping or plugging said line before leaving the premises;
- (6) turn on the gas after reestablishing an interrupted service without first having checked and closed all gas outlets;
- (7) violate any provisions of this Article or any rules and regulations promulgated thereunder.

(b) Every supply tank or container with its regulating equipment connected in a service system, shall be identified while in service by the supplier with an attached tag, label or other marking that includes the name of the person supplying liquefied petroleum gas to said system, and it shall be unlawful for any person, other than said supplier or the owner of the system, to disconnect, interrupt or fill said system with liquefied petroleum gas without the consent of said supplier. Provided, if another registered supplier is requested by the consumer to connect his service and is given permission by the consumer to do so, the new supplier shall notify the former supplier before disconnecting the former service and connecting the new service and shall cap or plug all disconnected equipment outlets and leave said equipment in a condition consistent with this Article and the rules and regulations promulgated thereunder.

"§ 119-53. Penalty, injunction of violations. — A dealer violating any of the provisions of this Article, or any of the rules and regulations made and promulgated in accordance with the

provisions of this Article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment.

In addition the Commissioner or his agent may apply to any superior court judge and the court may temporarily restrain or preliminarily or permanently enjoin any violation of this Article or any of the rules or regulations made and promulgated thereunder."

Sec. 2. The insurance coverage provisions of G.S. 119-50 as rewritten herein shall become effective on all policies written after July 1, 1981, and in no event shall any policy in force after July 1, 1982, fail to meet the said insurance coverage provisions.

Sec. 3. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 1st day of June, 1981.