

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 567

Short Title: LP-Gas Fee/Civil Penalty.

(Public)

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Sponsors: Representative Hightower.

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Referred to: Agriculture.

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March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ISSUANCE OF REPLACEMENT DATA PLATES FOR  
LP-GAS TANKS AND TO PROVIDE FOR CIVIL PENALTIES FOR  
VIOLATIONS OF LAW REGARDING LP-GAS.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 119 of the General Statutes is amended by  
adding a new section to read:

**"§ 119-55.1. Replacement data plates.**

To avoid condemnation of a liquified petroleum gas tank with a rusting or partially  
detached data plate, the Commissioner may issue a replacement data plate for tanks  
built in accordance with the ASME Code. A fee of twenty dollars (\$20.00) shall be  
assessed and collected for each data plate issued. These fees may be used by the  
Department of Agriculture to defray the costs of issuing the data plates."

Sec. 2. G.S. 119-59 reads as rewritten:

**"§ 119-59. Penalty; injunction of violations.**

(a) ~~A Any dealer violating any of the provisions provision of this Article, Article  
or any of the rules and regulations made and promulgated in accordance with the  
provisions of this Article, shall be deemed adopted under it is guilty of a misdemeanor,  
and upon conviction thereof shall be punished by fine or imprisonment.~~

(b) ~~In addition the 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.  
adopted under it.~~

1       (c)   The Commissioner may assess a civil penalty against any person who violates  
2 any provision of this Article or the rules under it. The penalty shall not exceed one  
3 hundred dollars (\$100.00) for the first violation, three hundred dollars (\$300.00) for a  
4 second violation, or five hundred dollars (\$500.00) for a third or subsequent violation.  
5 No civil penalty shall be assessed under this subsection until the person has been  
6 notified in writing of the alleged violation and given 45 days to correct or cease the  
7 alleged violation.

8       (d)   The Commissioner may deny, suspend, modify, or revoke any registration or  
9 certification issued under this Article for any violation of any provision of this Article or  
10 the rules adopted under it."

11           Sec. 3. This act becomes effective December 1, 1993.