

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 356
HOUSE BILL 567

AN ACT TO PROVIDE FOR THE ISSUANCE OF REPLACEMENT DATA PLATES FOR LP-GAS TANKS, TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS REGARDING LP-GAS, TO PROVIDE FOR SUSPENSION OR REVOCATION OF AN LP-GAS DEALER'S REGISTRATION FOR VIOLATIONS OF THESE LAWS, AND TO PROVIDE FOR CONTRACTOR CERTIFICATION OF LP-GAS SYSTEMS CODE COMPLIANCE.

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:

"§ 119-61. Replacement data plates for liquified petroleum gas tanks.

A liquified petroleum gas tank of 120 gallons or more that is subject to the American Society of Mechanical Engineers (ASME) Code must have a data plate indicating that it was built in accordance with that Code. The Commissioner may issue a data plate to replace a rusting or partially detached data plate on a liquified petroleum gas tank. The Commissioner shall charge a person to whom a replacement data plate is issued a fee of twenty dollars (\$20.00) for the plate. Fees collected under this section shall be credited to the Department of Agriculture and applied to the cost of issuing replacement data plates."

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

"§ 119-59. ~~Penalty; injunction of Sanctions for violations.~~

(a) ~~Criminal.~~ – A dealer ~~violating any of the provisions who~~ violates a 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 a rule adopted under it is guilty of a ~~misdemeanor, and upon conviction thereof shall be punished~~ misdemeanor and is punishable by fine or imprisonment.

(b) ~~Injunction.~~ – ~~In addition the~~ The Commissioner or ~~his agent~~ an agent of the Commissioner 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.~~ a rule adopted under it.

(c) ~~Civil Penalty.~~ – The Commissioner may assess a civil penalty against any person who violates a provision of this Article or a rule adopted under it. The penalty may not exceed one hundred dollars (\$100.00) for the first violation, three hundred dollars (\$300.00) for a second violation, and five hundred dollars (\$500.00) for a third or subsequent violation. In determining the amount of a penalty, the Commissioner

shall consider the degree and extent of harm or potential harm that has resulted or could have resulted from the violation.

The Commissioner may not assess a civil penalty against a person until the Commissioner has notified the person of the alleged violation and has given the person at least 45 days to correct or cease the alleged violation. A notice may be served by any means authorized by G.S. 1A-1, Rule 4. Civil penalties assessed under this subsection shall be credited to the General Fund as nontax revenue.

(d) Registration. – The Commissioner may deny, suspend, or revoke the registration of a dealer who violates a provision of this Article or a rule adopted under it."

Sec. 3. Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-139.3. Inspection of liquified petroleum gas piping systems for residential structures.

If the test required under the North Carolina State Building Code for a liquified petroleum gas piping system serving a one or two-family residential dwelling is not performed by a qualified code enforcement official, as defined in G.S. 143-151.8(a)(5), the contractor who installed the system shall verify that the system complies with the test requirements and shall certify the results, in writing, to the code official."

Sec. 4. Sections 1 and 2 of this act become effective December 1, 1993. Section 3 of this act becomes effective October 1, 1993.

In the General Assembly read three times and ratified this the 16th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives