

April 6, 2009

H 1084. REVISE LPG DEALER REQUIREMENTS. Filed 4/6/09. *TO AMEND THE LP GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO REQUIRE THE REPORTING OF LP GAS ACCIDENTS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES.*

Amends GS 119-56 to clarify that a person is prohibited from representing oneself or commencing operation as a dealer of liquefied petroleum gases (LP gas) without first registering as provided by this statute. Deletes that a dealer must annually register by January 1 of each year with the Commissioner of Agriculture or a designated agent (Commissioner). Provides that the registration issued to the dealer expires automatically upon the expiration, termination, or cancellation of the required insurance policy coverage. Specifies that there are two classes of dealers with mandatory insurance requirements: (1) a class A dealer, who engages in the transportation of LP gas, must obtain and maintain comprehensive general liability insurance, including product liability, of \$1 million combined single limit, and motor vehicle liability insurance of \$1 million and (2) a class B dealer, who does not engage in the transportation of LP gas, must obtain and maintain comprehensive general liability insurance, including product liability, of \$100,000 combined single limit. Current law requires any dealer to obtain and maintain comprehensive general liability insurance including product liability of \$100,000 combined single limits and, when applicable, comprehensive automobile liability insurance of \$100,000 combined single limits. Clarifies that the exemption for dealers who retail LP gas in containers of less than 50 pounds water capacity does not apply to when it involves filling or transportation of such containers. Makes a technical change.

Amends GS 119-57 to provide that it is the Commissioner's duty to conduct inspections of LP gas containers and installations.

Amends GS 119-58(a) to make it unlawful for any person, as a dealer, to fail to report to the Commissioner any incident involving the dealer's company related to the transport, storage, or transfer of LP gas that results in (1) a release of LP gas in excess of 100 gallons liquid measure, (2) death or serious injury requiring hospitalization, or (3) property damage in excess of \$1,000. Requires notification to be made as soon as practicable but no later than three business days after the incident. Specifies that motor vehicle accidents not involving a release are not required to be reported.

Amends GS 119-59 to increase the civil penalties that the Commissioner may assess for a violation of Article 5 of GS Chapter 119 to a maximum \$300 (was, \$100) penalty for the first violation, a maximum \$500 (was, \$300) penalty for a second violation, and a maximum \$1,000 (was, \$500) penalty for a third or subsequent violation. Eliminates that the Commissioner is prohibited from assessing a civil penalty against a person until the Commissioner has notified the person of an alleged violation and allowed for at least 45 days to correct or cease the alleged violation.

Makes technical changes to GS 119-61.

Effective October 1, 2009.

Intro. by Hill.

GS 119

May 5, 2009

H 1084. REVISE LPG DEALER REQUIREMENTS. Filed 4/3/09. House committee substitute makes the following changes to 1st edition. To be digested in tomorrow's *Daily Bulletin*.

May 6, 2009

H 1084. REVISE LPG DEALER REQUIREMENTS. Filed 4/3/09. House committee substitute makes the following changes to 1st edition. Deletes proposed amendment to GS 119-58(a) that would have required reporting LP gas accidents to the Commissioner of Agriculture (Commissioner). Amends GS 119-56 to require verification of insurance coverage or proof of alternative means of financial responsibility as a condition of registration or renewal of registration and deletes provision that would have provided that registration of LPG dealer would have expired automatically upon the expiration, termination, or cancellation of an insurance policy

required by GS 119-56. Revises provisions regarding liability and motor vehicle insurance requirements for LPG dealers. Adds provision allowing the commissioner to request that dealer provide verification of insurance coverage or proof of financial responsibility. Makes additional technical and clarifying changes.

August 3, 2009

SL 2009-386 (H 1084). REVISE LIQUID PETROLEUM GAS DEALER REQUIREMENTS.
AN ACT TO AMEND THE LIQUEFIED PETROLEUM GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES. Summarized in *Daily Bulletin* 4/6/09 and 5/6/09. Enacted July 31, 2009. Effective October 1, 2009.