

R710. Public Safety, Fire Marshal.

R710-6. Liquefied Petroleum Gas Rules.

R710-6-1. Purpose.

The purpose of this rule is to establish the minimum rules to provide regulation to those who distribute, transfer, dispense or install LP Gas and/or its appliances in the State of Utah.

R710-6-2. Authority.

This rule is authorized by Section 53-7-305.

R710-6-3. Definitions.

- (1) "ASME" means the American Society of Mechanical Engineers.
- (2) "AHJ" means authority having jurisdiction, and includes such county and municipal officers who are charged with the enforcement of state and municipal laws; consisting of all fire enforcement officials including designated staff from the Utah State Department of Public Safety.
- (3) "ASME Stamp" means the symbol used to designate that the container has been built to the ASME Boiler and Pressure Vessel Code, Section VIII, Divisions 1 or 2, Rules for the Construction of Unfired Pressure Vessels.
- (4) "Board" means the Liquefied Petroleum Gas Board.
- (5) "Concern" means a person, firm, corporation, partnership, or association, licensed by the board.
- (6) "Container" means the propane tank.
- (7) "Dispenser" means pump assemblies, transfer hoses, meters and associated equipment that is mounted or anchored or may be installed inside of a steel cabinet. Note: Both the dispenser and container may be installed on a common base, or separate base, or separate location.
- (8) "Dispensing System" means equipment in which LP Gas is transferred from one container to another in liquid form.
- (9) "Division" means the Division of the State Fire Marshal.
- (10) "Enforcing Authority" means the division, the municipal or county fire department, other fire prevention agency acting within its respective fire prevention jurisdiction, or the building official of any city or county.
- (11) "ICC" means International Code Council, Inc.
- (12) "IFC" means International Fire Code.
- (13) "License" means a written document issued by the Division authorizing a concern to be engaged in an LPG business.
- (14) "LPG" means Liquefied Petroleum Gas.
- (15) "LPG Certificate" means a written document issued by the Division to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.
- (16) "NFPA" means the National Fire Protection Association.
- (17) "Possessory Rights" means the right to possess LPG, but excludes broker trading or selling.
- (18) "Public Place" means a highway, street, alley or other parcel of land, essentially unobstructed, which is deeded, dedicated or otherwise appropriated to the public for public use, and where the public exists, travels, traverses or is likely to frequent.
- (19) "Qualified Instructor" means a person holding a valid LPG certificate in the area in which he is instructing.

R710-6-4. Licensing.

(1) Type of license.

(a) Class I: A licensed dealer who is engaged in the business of installing gas appliances or systems for the use of LPG and who sells, fills, refills, delivers, or is permitted to deliver any LPG.

(b) Class II: A business engaged in the sale, transportation, and exchange of cylinders, but not transporting or transferring gas in liquid.

(c) Class III: A business not engaged in the sale of LPG, but engaged in the sale and installation of gas appliances, or LPG systems.

(d) Class IV: Those businesses listed below:

(i) dispensers;

(ii) sale of containers greater than 96 pounds water capacity; and

(iii) other LPG businesses not listed above.

(2) The application for a license to engage in the business of LPG as required in Subsection R710-6-5(1), shall be accompanied with proof of public liability insurance.

(a) The public liability insurance shall be issued by a public liability insurance carrier showing coverage of at least \$1,000,000 for each incident, and \$2,000,000 in total coverage.

(b) The licensee shall notify the SFM within 30 days after the public liability insurance coverage required is no longer in effect for any reason.

(3) The application shall be signed by an authorized representative of the applicant.

(a) If the application is made by a partnership, it shall be signed by at least one partner.

(b) If the application is made by a corporation or association other than a partnership, it shall be signed by the principal officers, or authorized agents.

(4) Following receipt of the properly completed application, an inspection, completion of all inspection requirements, and compliance with the provision of the statute and these rules, the Division shall issue a license.

(5) Original licenses shall be valid for one year from the date of application. Thereafter, each license shall be renewed annually and renewals thereof shall be valid for one year from issuance.

(6) Application for renewal shall be made on forms provided by the SFM.

(7) The board may refuse to renew any license in the same manner, and for any reason, that they are authorized, pursuant to Article 5 of these rules to deny a license.

(a) The applicant shall, upon such refusal, have the same rights as are granted by Section R710-6-7 to an applicant for a license which has been denied by the board.

(8) Every licensee shall notify the Division, in writing, within 30 days of any change of his address.

(9) No licensee shall conduct his licensed business under a name other than the name or names which appears on his license.

(10) The division shall make available, upon request and without cost, to the enforcing authority, the name, address, and license number of each concern that is licensed pursuant to these rules.

(a) Upon request, single copies of such list shall be furnished, without cost, to a licensed concern.

(11) The holder of any license shall submit such license for inspection upon request of the Division or the enforcing authority.

(12) Every licensed concern shall, within 20 days of employment, and within 20 days of termination of any employee, report to the division, the name, address, and LPG certificate number, if any, of every person performing any act requiring an LPG certificate for such licensed concern.

(13) Every license issued pursuant to the provisions of these rules shall be posted in a conspicuous place on the premises of the licensed location.

(14) A duplicate license may be issued by the Division to replace any previously issued license, which has been lost or destroyed, upon the submission of a written statement from the licensee to the Division.

(a) Such statement shall attest to the fact that the license has been lost or destroyed.

(b) If the original license is found it shall be surrendered to Division within 15 days.

(15) Every license shall be identified by a number, delineated as P-.

(16) Any accident where a licensee and LPG are involved must be reported to the board in writing by the affected licensee within 3 days upon receipt of information of the accident.

(a) The report must contain any pertinent information such as the location, names of persons involved, cause, contributing factors, and the type of accident.

(b) If death or serious injury of persons, or property damage of \$5000 or more results from the accident, the report must be made immediately by telephone and followed by a written report.

(17) At their discretion, the board will investigate, or direct the division to investigate, all serious accidents.

R710-6-5. LP Gas Certificates.

(1) Application for an LPG certificate shall be made in writing to the division.

(a) The application shall be signed by the applicant.

(2) Every person who performs any act or acts described in Section 53-7-308, shall pass an initial examination in accordance with the provisions of this article.

(3) Types of initial examinations:

(a) Carburetion;

(b) Dispenser;

(c) HVAC/Plumber;

(d) Recreational Vehicle Service;

(e) Serviceman; and

(f) Transportation and Delivery.

(4) The initial examination shall include an open book written test or online test of the applicant's knowledge of the work to be performed by the applicant.

(a) The applicant is allowed to use the adopted statute, administrative rules, NFPA 54, NFPA 1192, and NFPA 58.

(b) Any other materials to include cellular telephones or related cellular equipment are prohibited in the examination room.

(c) The initial examination may also include a practical or actual demonstration of some selected aspects of the job to be performed by the

applicant if so warranted by the test administrator.

(d) Leaving the office or testing location before the completion of the examination voids the examination and will require the examination to be retaken by the applicant.

(e) To successfully complete the written or online and practical initial examinations, the applicant must obtain a minimum grade of 70% in each portion of the examination taken.

(i) Each portion of the examination will be graded separately.

(ii) Failure of any one portion of the examination will not delete the entire test.

(f) Completion of the certification examination will not be allowed if it appears to the test administrator that the applicant has not prepared to take the examination.

(g) Examinations may be given at various field locations as deemed necessary by the Division.

(a) Appointments for field examinations are required.

(h) applicants that have successfully completed the requirements of the Certified Employee Training Program, as written by the National Propane Gas Association, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived[7] after appropriate documentation is provided to the Division by the applicant.

(i) As required in Subsections R710-6-6(2) and R710-6-6(3)(f), those applicants that have successfully completed the requirements in Code of Federal Regulations, CFR 49, Parts 172.700, 172.704, 177.800 and 177.816, that correspond to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the division by the applicant.

(j) As required in Subsections R710-6-6(2) and R710-6-6(3)(c), those applicants that have successfully completed the Rocky Mountain Gas Association, Natural Gas Technician Certification Exam with a passing score, shall have the requirement for initial examination waived, after appropriate documentation is provided to the division by the applicant.

(k) As required in R710-6-6(2) and R710-6-6(3)(c), those applicants that are licensed journeyman plumbers as required in the Construction Trades Licensing Act Plumber Licensing Rules, R156-55c, shall have the requirement for initial examination waived, after appropriate documentation is provided to the division by the applicant.

(5) Original LPG certificates shall be valid for one year from the date of issuance.

(a) Thereafter, each LPG certificate shall be renewed annually and renewals thereof shall be valid for one year from issuance.

(6) Application for renewal shall be made on forms provided by the Division.

(7) Every holder of a valid LPG Certificate shall take a re-examination every five years from the date of original certificate issuance, to comply with the provisions of Subsection R710-6-6(3) as follows:

(a) the re-examination to comply with the provisions of Subsection R710-6-6(3) shall consist of an open book examination;

(b) the open book re-examination will consist of questions that focus on changes in the last five years to NFPA 54, NFPA 58, the statute, and the adopted administrative rules;

(i) The re-examination may also consist of questions that focus on

practices of concern as noted by the board or division;

(c) the certificate holder is responsible to complete the re-examination in sufficient time to renew;

(d) the certificate holder is responsible to submit to the division the correct renewal fees to complete that certificate renewal;

(e) as required in Subsection R710-6-6(7), those applicants that have successfully completed the requirements in Code of Federal Regulations CFR 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for re-examination waived, after appropriate documentation is provided to the Division by the applicant; and

(f) as required in Subsection R710-6-6(7), those applicants that provide the division with written verification of the completion of 40 hours of continuing training over the previous five-year period shall have the requirement for re-examination waived.

(8) The division may refuse to renew any LPG certificate in the same manner and for any reason that is authorized pursuant to Subsection R710-6-7(2).

(9) The holder of a LPG certificate shall submit such certificate for inspection, upon request of the Division or the enforcing authority.

(10) Type.

(a) Every LPG certificate shall indicate the type of act or acts to be performed and for which the applicant has qualified.

(b) Any person holding a valid LPG certificate shall not be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

(c) It is the responsibility of the LPG certificate holder to insure that the concern they are employed by is licensed under this act.

(d) The requirements listed in Sections 4.10.2 and 4.10.3 of these rules do not apply to licensed journeyman plumbers who meet the requirements listed in 4.4.10 of these rules.

(e) The requirements listed in Sections 4.10.2 and 4.10.3 of these rules do not apply to those final consumers that meet the requirements stated in Section 53-7-308.

(11) Any change in home address of any holder of a valid LPG certificate shall be reported by the registered person to the Division within 30 days of such change.

(12) A duplicate LPG certificate may be issued by the Division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the Division from the certified person.

(a) Such statement shall attest to the certificate having been lost or destroyed.

(b) If the original is found, it shall be surrendered to the Division within 15 days.

(13) Every LPG certificate issued shall contain the following information:

(a) the name and address of the applicant;

(b) the physical description of applicant;

(c) the signature of the LP Gas Board Chair or the State Fire Marshal;

(d) the date of issuance;

(e) the expiration date;

(f) type of service the person is qualified to perform; and
(g) have printed on the card the following: "This certificate is for identification only, and shall not be used for recommendation or advertising".

(14) No LPG certificate shall be issued to any person who is under 16 years of age.

(15) Restrictive Use.

(a) No LPG certificate shall constitute authorization for any person to enforce any provisions of these rules.

(b) A LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.

(c) Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed concern employing such applicant shall be permissible.

(d) Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.

(16) Every person who takes an examination for a LPG certificate shall have the right to contest the validity of individual questions of such examination.

(a) Every contention as to the validity of individual questions of an examination that cannot be reasonably resolved, shall be made in writing to the division within 48 hours after taking said examination.

(i) Contentions shall state the reason for the objection.

(b) The decision as to the action to be taken on the submitted contention shall be by the board, and such decision shall be final.

(c) The decision made by the board, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

(17) LPG Certificates shall not be transferable to another individual.

(a) Individual LPG certificates shall be carried by the person to whom issued.

(18) New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed 45 days from the initial date of employment.

(a) By the end of such period, new employees shall have taken and passed the required examination.

(b) In the event the employee fails the examination, re-examination shall be taken within 30 days.

(c) The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.

(19) Every LPG certificate shall be identified by a number, delineated as PE-number.

(a) Such number shall not be transferred from one person to another.

R710-6-6. Adjudicative Proceedings.

(1) All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by Sections 63G-4-202 and 63G-4-203.

(2) The issuance, renewal, or continued validity of a license or LPG certificate may be denied, suspended or revoked by the division if the

division finds that the applicant, person employed for, or the person having authority and management of a concern commits any of the following violations:

- (a) the person or applicant is not the real person in interest;
- (b) the person or applicant provides material misrepresentation or false statement in the application, whether for an original or renewal certificate;
- (c) the person or applicant refuses to allow inspection by the division or enforcing authority on an annual basis to determine compliance with the provisions of these rules;
- (d) the person, applicant, or concern for a license does not have the proper or necessary facilities, including qualified personnel to conduct the operations for which application is made;
- (e) the person or applicant for a LPG certificate does not possess the qualifications of skill or competence to conduct the operations for which application is made;
 - (i) this can also be evidenced by failure to pass the examination and/or practical tests;
 - (f) the person or applicant refuses to take the examination;
 - (g) the person or applicant has been convicted of a violation of one or more federal, state or local laws;
 - (h) the person or applicant has been convicted of a violation of the adopted rules or has been found by a board administrative proceeding to have violated the adopted rules;
 - (i) any offense or finding of unlawful conduct, or there is or may be a threat to the public's health or safety if the person or applicant were granted a license or certificate of registration;
 - (j) there are other factors upon which a reasonable and prudent person would rely to determine the suitability of the person or applicant to safely and competently distribute, transfer, dispense or install LP Gas and/or it's appliances;
 - (k) the person or applicant does not complete the re-examination process before the certificate or license expiration date; or
 - (l) the person or applicant fails to pay any fee as required in Section R710-6-8.
- (3) A person whose license or certificate of registration is suspended or revoked by the division shall have an opportunity for a hearing before the LPG Board if requested by that person within 20 days after receiving notice.
- (4) All adjudicative proceedings, other than criminal prosecution, taken by the enforcing authority to enforce the Liquefied Petroleum Gas Section, Utah Fire Prevention and Safety Act, and these rules, shall commence in accordance with Section 63G-4-201.
- (5) The board shall act as the hearing authority, and shall convene after timely notice to all parties involved.
 - (i) The board shall be the final authority on the suspension or revocation of a license or certificate of registration.
 - (6) The board shall direct the division to issue a signed order to the parties involved giving the decision of the board within a reasonable time of the hearing pursuant to Section 63G-4-203.
 - (7) Reconsideration of the board's decision may be requested in writing within 20 days of the date of the decision pursuant to Section 63G-4-302.

(8) After a period of three years from the date of revocation, the board may review the written application of a person whose license or certificate of registration has been revoked.

(9) Judicial review of all final board actions resulting from informal adjudicative proceedings is available pursuant to Section 63G-4-402.

R710-6-7. Fees.

(1) The required fee shall accompany the application for license or LPG certificate or submission of plans for review.

(2) When an LPG certificate has expired for more than one year, an application shall be made for an original certificate as if the application was being taken for the first time.

(a) Examinations will be retaken with initial examination fees.

R710-6-8. Board Procedures.

(1) The board will review the division and enforcing authorities activities since the last meeting, and review and act on license and permit applications, review financial transactions, consider recommendations of the Division, and all other matters brought to the board.

(2) The board may be asked to serve as a review board for items under disagreement.

(3) Board meetings shall be presided over and conducted by the chair and in his absence the vice chair.

(4) Meetings of the board shall be conducted in accordance with an agenda, which shall be submitted to the members by the division, not less than 21 days before the regularly scheduled board meeting.

(5) The chair of the board and board members shall be entitled to vote on all issues considered by the board. A board member who declares a conflict of interest or where a conflict of interest has been determined, shall not vote on that particular issue.

(6) Public notice of board meetings shall be made by the division as prescribed in Section 52-4-6.

(7) The division shall provide the board with a secretary, who shall prepare minutes and shall perform all secretarial duties necessary for the board to fulfill its responsibility.

(a) The minutes of board meetings shall be completed and sent to board members at least 21 days prior to the scheduled board meeting.

(8) The board may be called upon to interpret codes adopted by the board.

(9) The board Chair may assign member(s) various assignments as required to aid in the promotion of safety, health and welfare in the use of LPG.

R710-6-9. Amendments and Additions.

(1) All LP Gas facilities that are located in a public place shall be inspected by a certified LP Gas serviceman every five years for leaks in all buried piping as follows:

(a) If a leak is detected and repaired, the buried piping shall again be pressure tested for leaks.

(b) The certified LP Gas serviceman shall keep a written record of the inspection and all corrections made to the buried piping located in a public place.

(c) The inspection records shall be available to be inspected on a regular basis by the division.

(2) Whenever the division is required to complete more than two inspections to receive compliance on an LP Gas System, container, apparatus, appliance, appurtenance, tank or tank trailer, or any pertinent equipment for the storage, transportation or dispensation of LP Gas, the division shall charge to the owner for each additional inspection, the re-inspection fee.

(3) All LP Gas containers of more than 5000 water gallons shall be inspected at least biannually for compliance with the adopted statute and rules. The following containers are exempt from this requirement:

(a) those excluded from the act in Section 53-7-303;

(b) containers under federal control;

(c) containers under the control of the U.S. Department of Transportation and used for transportation of LP Gas; and

(d) containers located at private residences.

(4) Those using self-serve key or card services shall be trained in safe filling practices by the licensed dealer providing the services.

(a) A letter shall be sent to the division by the licensed dealer stating that those using the self-serve key or card service have been trained.

(5) NFPA, Standard 58 Amendments:

(a) NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (d) All new, used or existing containers of 5000 water gallons or less, installed in the State of Utah or relocated within the State of Utah shall be marked with the ASME stamp as defined in Section 2.1 of these rules. All new, used or existing containers of more than 5000 water gallons, installed in the State of Utah or relocated within the State of Utah, shall be marked with the ASME stamp as defined in Section 2.1 of these rules, and shall be inspected for approval by the Division. If the Division has concerns about the integrity or condition of the container, additional nondestructive testing may be required to include but not limited to hydrostatic testing, ultrasonic metal thickness testing or any other testing as determined necessary by the Division. All incurred costs for additional testing required by the Division shall be the responsibility of the owner.

(b) NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (e) If an existing U68, U69, U200 or U201 specification container, more than 5000 water gallons, is relocated within the State of Utah, and does not bear the required ASME stamp as defined in Section 2.1 of these rules, the container cannot be reinstalled unless the container has received a "Special Classification Permit" from the Division. Specifications of the type of container, container history if known, material specifications and calculations, and condition of the container shall be submitted to the Division by the person seeking the "Special Classification Permit". The Division shall inspect the container for approval. If the Division has concerns about the integrity or condition of the container, additional nondestructive tests such as hydrostatic testing, ultrasonic metal thickness testing or any other testing as determined necessary by the Division. All incurred costs of testing and evaluations shall be the responsibility of the owner. The Division will approve or disapprove the proposed container. Approval by the Division shall be obtained before the container is set or filled with LP Gas.

(c) NFPA, Standard 58, Section 5.2.1.6 is amended to add the following sentence at the end of the section: (A) Repairs and alterations shall only

be made by those holding a National Board "R" Certificate of Authorization commonly known as an R Stamp.

(d) NFPA Standard 58, Sections 5.9.3.2(2) (a) and (b) are deleted and rewritten as follows:

Type K copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

(e) NFPA, Standard 58, Section 6.6.1.2 is amended to add the following at the end of the section: When guard posts are installed they shall be installed meeting the following requirements:

(i) constructed of steel not less than four inches in diameter and filled with concrete;

(ii) set with spacing not more than four feet apart;

(iii) buried three feet in the ground in concrete not less than 15 inches in diameter; and

(iv) set with the tops of the posts not less than three feet above the ground.

(f) NFPA, Standard 58, Section 6.6.3 is amended to add the following section: 6.6.3.9 Skid mounted ASME horizontal containers greater than 2000 water gallons, with non-fireproofed steel mounted attached supports, resting on concrete, pavement, gravel or firm packed earth, may be mounted on the attached supports to a maximum of 12 inches from the top of the skid to the bottom of the container.

(g) NFPA, Standard 58, Section 6.6.6 is amended to add the following: (N) All metallic equipment and components that are buried or mounded shall have cathodic protection installed to protect the metal and shall meet the following requirements:

(i) sacrificial anodes shall be installed as required by the size of the container. If more than one sacrificial anode is required they shall be evenly distributed around the container;

(ii) sacrificial anodes shall be connected to the container or piping as recommended by the manufacturer or using accepted engineering practices; and

(iii) sacrificial anodes shall be placed as near the bottom of the container as possible and approximately two feet away from the container.

(h) NFPA, Standard 58, Section 6.25.3.19 is added as follows: On dispensing installations, 1000 gallon water capacity or less, where the dispensing cabinet is located next to the LP Gas container, stainless steel wire braid hose of more than 36 inches in length may be used on vapor and liquid return lines only. The hose shall be secured and routed in a safe and professional manner, marked with the date of installation, and shall be replaced every five years from that installation date.

(i) NFPA, Standard 58, Section 6.27.3.2, the last sentence of the section is deleted and rewritten as follows: Existing installations shall comply with this requirement by March 31, 2011.

(j) NFPA, Standard 58, Section 8.4.1.1(1) is amended as follows: On line one remove "5ft (1.5m)" and replace it with "10 ft (3m)".

R710-6-11. Validity.

If any article, section, subsection, sentence, clause, or phrase, of these rules is for any reason held to be unconstitutional, contrary to statute, or exceeding the authority of the LPG Board, such decision shall not affect the validity of the remaining portion of these rules.

R710-6-12. Conflicts.

In the event where separate requirements pertain to the same situation in the same code, or between different codes or standards as adopted, the more restrictive requirement shall govern, as determined by the enforcing authority.

R710-6-13. Penalties.

(1) Civil penalties for violation of any rule or referenced code shall be as follows:

- (a) concern failure to license - \$210 to \$900;
- (i) double the fee plus the cost of the license;
- (b) person failure to obtain LPG Certificate - \$30 to \$90;
- (i) double the fee plus the cost of the certificate;
- (c) failure of concern to obtain LPG Certificate for employees who dispense LPG - \$210 to \$900;
- (i) double the fee plus the cost of the license;
- (d) concern doing business under improper class - \$140 to \$600;
- (i) double the fee;
- (e) failure to notify SFM of change of address - \$60;
- (i) based on two hours of inspection fee at \$30 per hour; and
- (f) violation of the adopted Statute or Rules - \$210 to \$900;
- (i) triple the license fee.

KEY: liquefied petroleum gas

Date of Enactment or Last Substantive Amendment: December 24, 2011

Notice of Continuation: March 16, 2011

Authorizing, and Implemented or Interpreted Law: 53-7-305