

**TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD  
CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

420:10-1-3. Definitions [AMENDED]

420:10-1-5. Permits [AMENDED]

420:10-1-9. Issuing of certificates of permits [AMENDED]

420:10-1-20. Suspension or revocation of registration permits and fines; appeals [AMENDED]

**SUMMARY:**

The proposed revisions to the rules: add definitions of words, phrases, and terms to add clarification to terms used in the rules; reduce the inactive Class 10 permit renewal fee to three hundred fifty dollars (\$350.00) from four hundred dollars (\$400.00); add a new endorsement for the Class IV permit for recreational home maintenance personnel; increase the initial inspection fee and the annual reinspection fee for a Class VIII Un-Odorized LPG permit from one hundred dollars (\$100.00) to two hundred fifty dollars (\$250.00) to account for increased costs to the agency related to inspections; add “Fuel Handler Permit” to the list of permit types that may be required for Class I dealers; and to add language that was erroneously struck in 2021 regarding possible offenses for disciplinary action.

The fees for the inspections of Class VIII Un-Odorized LPG Permit were added last year and the costs associated with these inspections are higher than initially anticipated. By raising these costs that Administration is able to better offset the costs to the Administration of sending Officers to the same facility multiple times due to applicant’s improper construction and/or installation of LPG devices.

**AUTHORITY:**

Oklahoma Liquefied Petroleum Gas Board; 52 O.S., § 420.3.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on February 15, 2024, at the following address: Chandra Heitzinger, Administrator, 2501 N. Lincoln Blvd., Suite 218, Oklahoma City, OK 73105, or [Chandra.Heitzinger@lpgas.ok.gov](mailto:Chandra.Heitzinger@lpgas.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on February 16, 2024, at the LP Gas Administration conference room 2501 N. Lincoln Blvd., Suite 218, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:30 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The LP Gas Board requests that business entities affected by these proposed rules provide the LP Gas Administration written information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity as a result of compliance with the proposed rules. Business entities may submit this information in writing to Chandra Heitzinger, at the above address, before the close of the comment period on February 15, 2024.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the LP Gas Administration, 2501 N. Lincoln Blvd., Suite 218, Oklahoma City, OK 73105. The proposed rules are also available on the LP Gas website <http://www.lpgas.ok.gov>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the LP Gas Administration at the above address beginning January 31, 2024.

**CONTACT PERSON:**

Chandra Heitzinger, Administrator, (405) 521-2458, [Chandra.Heitzinger@lpgas.ok.gov](mailto:Chandra.Heitzinger@lpgas.ok.gov).

**420:10-1-3. Definitions [AMENDED]**

All words, phrases, and terms used in this chapter shall have the same general meaning as contained in Title 52 O.S., Section 420.1 et seq., in so far as the same are defined in said act. Where no specific definition is provided in the act, the words, phrases, and terms used in this chapter shall have the same general meaning that they are commonly understood to have and as they are used in the industry, unless a specific definition of word, phrase, or term is used within the rules of this chapter. The following words or terms, when used in this chapter, shall have the following meaning:

**"Act"** means Title 52 O.S., Sections 420.1 through 420.17.

**"Administrator"** means the State Liquefied Petroleum Gas Administrator as created by 52 O.S., 1971, Section 420.2 or in event of vacancy in office of the Administrator, or in the event of his absence or disability as provided in 52 O.S. 1971, Section 420.2.

**"Applicant"** means an individual or entity that applies for a permit with the Board.

**"Board"** means the Oklahoma Liquefied Petroleum Gas Board created by 52 O.S., 1971, Section 420.3.

**"Board-Approved"** as used in OAC 420:10-1-5(b)(7) means any class, training, or other type of course that the Board approves to satisfy safety school requirements.

**"Dealer"** means any entity or person (if operating as a sole proprietor) engaged in any phase of the LP gas business.

**"Employee"** means person for whom services are performed and who has the right to control and direct the individual who performs services, not only as to the result to be accomplished by the work, but also as to details and means by which the result is accomplished. An individual's status as an employee may be further evidenced by employee payroll deductions, withholding of state and federal income tax, social security or workmans compensation.

**"Full-Time Employee"** is defined with the IRS definition, meaning, any employee who is, for a calendar month, an employee employed on average at least 30 hours of service per week, or 130 hours of service per month.

**"Gas Processor(s)"** means any entity that extracts natural gas liquids from natural gas and does not include Class VIII usage.

**"Holder"** can be either an individual or an entity, depending on the permit type. Class I Holders are entities with the exception of sole proprietors.

**"Non-Personal Entity"** is defined as any legal business entity other than a sole proprietor.

**"Person,"** unless otherwise indicated, means individuals, corporations, partnerships, cooperatives or other entities.

**420:10-1-5. Permits [AMENDED]**

(a) **Permits required.** No person, firm, corporation, association or other entity shall engage in the manufacturing, assembling, fabrication, installing or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus or appliance without having first obtained a permit to do so as provided in this section.

(b) **Permit classifications.** The permits required for engaging in business shall be divided into the following classifications:

(1) **Class I - Dealer permit.** The Class I Dealer Permit permits the holder to engage in any phase of the LP Gas business. A Class X Manager's permit must be secured for the person actually in charge of an LP Gas operation at each separate branch or base of operation of a Class I permit holder. The initial permit fee for a Class I is One Thousand Dollars (\$1,000.00) The annual renewal fee required to be paid for the Class I permit is Five Hundred Dollars (\$500.00).

(A) Class I holder can go on inactive status, but will have to meet all the requirements of the permit, including paying the annual renewal fee, and having proper insurance requirements filed with the Administrator, before going back on active status. If requirements are not met the permit will then be revoked. The annual renewal fee required to be paid for a Class I permit holder on inactive status is ~~Four Hundred~~ Three Hundred and Fifty Dollars (\$400.00) (\$350.00).

(B) Applicant must furnish to the Board, evidence of the following insurance:

- (i) A minimum of \$1,000,000.00 general liability insurance, as per OAC 420:10-1-18;
- (ii) Worker's Compensation insurance shall be required as per state requirements;
- (iii) Motor vehicle insurance must meet State and Federal requirements.

(C) Brokers/wholesalers selling LP Gas to anyone other than Class I permit holders or refinery/gas processing type facilities shall obtain a Class I permit and meet the requirements thereof, except for minimum storage and metering, when said sales are by transport bulkhead to bulkhead.

(D) Before testing for a Class I permit, an applicant must meet the following requirements as approved by the Board:

- (i) Five (5) years experience as an active Class X Manager or equivalent; and
- (ii) Forty (40) hours of specified training.

(E) Prior to application or renewal of any Class I Permit, the applicant or holder shall provide the Administration as part of this application or renewal a complete list of facilities and each delivery location, including the name of facility, street address of facility, name of contact person, and contact information of said facility, to which Un-Odorized LP Gas is being delivered. Sales and deliveries of Un-Odorized LP Gas shall only be made to facilities in Oklahoma that are properly permitted by this Administration.

(2) **Class II - Truck Transporter permit.** The Class II Transporter Permit permits the holder to transport LP Gas as a common carrier or private carrier to another of the following: a person, firm, or corporation engaged in the production or manufacture of LP Gas and/or selling or reselling LP Gas to transporters, industrial consumers, processors, distributors, retailers, and/or to holders of Class I, III, or VI permits. A Class II permit shall not authorize the resale of LP Gas to an end-user. A Class II permit shall not be a substitute where a Class I is needed. A transport must meet all CFR 49 requirements. The initial permit fee for a Class II

is One Thousand Dollars (\$1,000.00). The annual fee for a Class II permit is Four Hundred Dollars (\$400.00). All LP Gas transport drivers employed by a Class II permit holder are required to obtain a fuel handlers card. The annual filing fee for a fuel handlers card is Ten Dollars (\$10.00).

(3) **Class III - DOT Cylinder Transporter Permit.**

(A) The Class III DOT Cylinder Transporter Permit permits the holder to operate a LP Gas cylinder sale or delivery service for LP Gas in accordance with all other rules and regulations and NFPA Pamphlets 54 and 58. A Class III DOT Cylinder Transporter Permit holder shall obtain LP Gas for sale or delivery from a lawfully-permitted Class I dealer.

(B) The Class III DOT Cylinder Transporter Permit for Un-Odorized LP Gas Endorsement. A separate endorsement to a Class III permit is required, if applicable, and in addition to the Class III DOT Cylinder Transporter Permit, and allows the holder to operate a DOT cylinder sale or delivery service for un-odorized LP Gas in accordance with all other rules and regulations, NFPA Pamphlets 54 and 58, and the following:

(i) Pursuant to this Endorsement, un-odorized LP Gas shall be sold or delivered in approved DOT cylinders only.

(ii) All deliveries shall be made in appropriately marked and placarded vehicles.

(iii) Delivery vehicles shall be operated by licensed personnel holding appropriate certificates and qualifications for the safe handling of LP Gas.

(iv) Prior to application or renewal of any Class III DOT Cylinder Transporter Permit for Un-Odorized LP Gas Endorsement, the applicant or holder shall provide the Administration as part of this application or renewal a complete list of facilities and each delivery location, including the name of facility, street address of facility, name of contact person and contact information of said facility, and the name and location of the Class I permit dealer supplying the Un-Odorized LP Gas to the permit holder.

(v) Sales and deliveries of Un-Odorized LP Gas made pursuant to this Endorsement shall only be made to facilities in Oklahoma that are properly permitted by this Administration.

(C) The Bulk Delivery Class III A Endorsement. The separate Class III A Bulk Delivery Endorsement to the Class III permit is required if applicable and shall permit the holder to invoice the end user for bulk delivery of odorized LP Gas to the facility of the end user only when the LP Gas is delivered to that location by a Class I permit holder.

(D) The annual fee for a Class III permit is \$300. The annual fee for the Un-Odorized LP Gas Endorsement is \$300. The annual fee for the Bulk Delivery Endorsement is \$300.

(E) All DOT cylinder transport drivers employed by a Class III permit holder are required to obtain a fuel handlers card. The annual filing fee for a fuel handlers card is Ten Dollars (\$10.00).

(4) **Class IV - Installer permit.**

(A) The Class IV Installer Permit permits the holder to install and service LP Gas systems, appliances, and other LP Gas equipment. The applicant is required to have immediate supervision for two (2) weeks with a Class IV, IV-D, Class X, or a person licensed by Oklahoma Construction Industries Board with a Mechanical License, and then shall be required to pass a written examination for each separate endorsement. The endorsements will be as follows:

(i) LP, Low Pressure systems covered by NFPA 54;

(ii) HP, High Pressure systems covered by NFPA 58;

(iii) RV, Recreational Vehicle systems covered by NFPA 1192;

- (iv) MC, Meter Calibration systems covered by NIST Handbook 44;
- (v) TI, Truck Inspections and Piping covered by NFPA 58 and CFR 49;
- (vi) DO, Dispenser Operator for Class IV permit holders that also dispense propane.

(vii) RHM, Recreational Home Maintenance which encompasses only the limited maintenance activities of lighting or relighting pilot lights; cleaning gas logs; and exchanging cylinders on a stationary gas grill that qualifies as an outdoor cooking appliance under NFPA 54.3.3.4.9. This subsection shall not be interpreted to allow a RHM endorsement holder from performing any other activity related to the installation or servicing of an LP Gas system, appliance, or other LP Gas equipment.

(B) Exception from two (2) week training period would be anyone already licensed by Oklahoma Construction Industries Board with a Mechanical License. If the supervising person determines that the new applicant is properly trained, proper documentation of the training is on file, and a Class IV application has been forwarded to the LP Gas Administration, the applicant at that time may begin performing the duties of a Class IV permit holder until such time as the test is administered and the permit issued. This time shall not exceed thirty (30) days or the applicant shall cease to perform these duties. Current Class IV's, as of September 1, 1994, are not required to take a written exam. Upon renewal, endorsements will be based on services provided as authorized by the Administrator. The annual fee for a Class IV permit with one (1) endorsement is Seventy Dollars (\$70.00). Each additional endorsement is Ten Dollars (\$10.00).

(C) Class IV permit does not permit the holder to install or service LP-Gas carburetion systems.

(D) Any installer not under the personal and direct supervision of a Class X holder at the immediate time and location of installation shall be required to have a Class IV or IV-D permit.

**(5) Class IV-D - Driver/Installer Permit.**

(A) The Class IV-D Driver/Installer Permit permits the holder to deliver LP Gas by bobtail and install and service LP Gas systems, appliance, and other LP Gas equipment. Class IV-D permit can only be issued under a Class I permit. New applicants must be under immediate supervision from a current Class IV-D, or Class X while in a minimum of a two (2) week training period before testing. Permit holder shall be required to pass a written examination. The tests shall be given according to current policies of the LP Gas Administration. If the supervising Class X determines that the new applicant is properly trained, proper documentation of the training is on file, and a Class IV-D application has been forwarded to the LP Gas Administration, the applicant at that time may begin performing the duties of a Class IV-D permit holder until such time as the test is administered and the permit issued.

This time shall not exceed thirty (30) days or the applicant shall cease to perform these duties. Current Class IV permit holders, as of September 1, 1994, properly trained in delivery of LP Gas will not be required to take the test and will be issued a IV-D permit. The annual fee for a Class IV-D is Fifty Dollars (\$50.00).

(B) Class IV-D permit does not permit the holder to install or service LP Gas carburetion systems.

(C) Any installer not under the personal and direct supervision of a Class X holder at the immediate time and location of installation shall be required to have a Class IV or IV-D permit.

(6) **Class VI - DOT Cylinder &/or LP Gas Motor Fuel Station Operator Permit.**

(A) The Class VI DOT Cylinder and/or LP Gas Motor Fuel Station Operator Permit permits the holder to operate DOT cylinder dispensing station and/or a motor fuel dispenser for public resale. Said Permit must be prominently displayed for public and official inspection at all times. A permit is required for each DOT cylinder dispensing station and/or motor fuel station. The endorsements will be as follows:

(i) AAG, This Attended Autogas "AAG" endorsement permits the holder to operate LP Gas dispenser stations that fill DOT cylinders and/or Attended LP Gas motor fuel refueling dispensers for resale.

(ii) UAG, This Unattended Autogas "UAG" endorsement permits the holder to operate Unattended self-service LP Gas motor fuel dispenser stations; however, these installations require more stringent regulations than those that are attended. In addition to the requirements in this section, the permit holder shall be required to install equipment that meets or exceeds the minimum installation and performance standards described in OAC 420:10-1-14(b)(26). For the purpose of defraying the cost and expenses of administering and enforcing this rule, persons, firms and corporations shall pay at the time of initial inspection a fee of Three Hundred Dollars (\$300.00) for each unattended LP Gas motor fuel dispenser station. Thereafter, the annual inspection fee is One Hundred Fifty Dollars (\$150.00) for each unattended LP Gas motor fuel dispenser station.

(B) Permit holder must comply with reasonable training requirements of the Class I and Class X manager of the LP Gas provider ensuring that all employees dispensing LP Gas at each location of permit holder are trained and permitted by this agency including notification to the Class X manager whenever training is necessary for new and/or unpermitted employees. Class VI locations may not become operational until a permit has been issued. A Class VI-A LP Gas Dispensing permit must be secured for the person actually in charge of an LP Gas dispensing operation of a Class VI permit holder. A permit will not be issued until the proper fee has been paid and certificate of insurance is received by the LP Gas Administration. The annual fee for a Class VI permit is One Hundred Fifty Dollars (\$150.00).

(7) **Class VI-A - LP Gas Dispensing Permit.** All employees involved in dispensing LP Gas must acquire a Class VI-A permit, except a Class IV, Class IV-D, and Class X. A Class VI-A LP Gas Dispensing permit is required for a person actively in charge of or engaged in LP Gas dispensing operations for the holder of a Class VI permit. All Class VI-A permit holders must be an employee of said Class VI permit holder. Class VI-A applicants must be properly trained by a Class X or at a Board-approved training class on proper filling of ASME tanks and DOT cylinders, and inspection thereof per NFPA 58. Applicants shall be required to pass an approved written examination. Test shall be administered by a Safety Code Enforcement Officer, or by Class X manager. In either case, the test fee for the Class VI-A permit is Ten Dollars (\$10.00). Holder must post permit at the facility they are employed by and attend a Board-approved annual safety school once every year. This does not prohibit any person, firm or corporation from filling his own equipment from his own supply line, or dispensing motor fuel from an approved limited access self-service dispenser. The annual fee for a Class VI-A permit is Thirty-Five Dollars (\$35.00).

(8) **Class VII - Cylinder Exchange Program Permit.** The Class VII Cylinder Exchange Program Permit permits the holder to participate in the cylinder exchange program for odorized LP Gas only. A permit is required for each cylinder exchange location. Class VII locations may not become operational until a permit has been issued. Permits will not be issued until the

proper fee has been paid and certificate of insurance is received by the LP Gas Administration. The annual fee for a Class VII permit is Fifty Dollars (\$50.00). A Class VII Cylinder Exchange Program Permit holder shall obtain LP Gas for its cylinder exchange from a lawfully-permitted Class I dealer.

(9) **Class VIII - Un-Odorized LPG Permit.** Facilities obtaining un-odorized LP Gas in approved DOT cylinders or otherwise for use must obtain an Un-Odorized LPG Permit. To obtain a permit, detailed plans describing such use and location of cylinder storage, and any and all LP Gas plumbing in said facility must be submitted in writing and approved for any facility using un- odorized LP Gas in any manner. These plans must be submitted to the Administration Office along with the proper fee, and a successful on-site inspection must be performed by a Safety Code Enforcement Officer prior to final approval and before the introduction of LP Gas into the system. A plan review fee of ~~One Hundred~~ Two Hundred and Fifty Dollars ~~(\$100.00)~~ (\$250.00) must accompany all plans submitted. The fee for inspection is ~~One Hundred~~ Two Hundred and Fifty Dollars ~~(\$100.00)~~ (\$250.00), and it will be assessed for each and every inspection, including, but not limited to, failed inspections, annual re-inspections and any other re-inspection needed to check that identified hazards have been corrected. The annual fee for the Un- Odorized LPG Permit is Five Hundred Dollars (\$500.00).

(10) **Class IX - LP Gas Container Sales Permit.** The Class IX Gas Container Sales Permit permits the holder to manufacture and/or sell LP Gas containers. This permit is required by both wholesalers and retailer. The annual fee for a Class IX permit is Seventy Dollars (\$70.00).

(11) **Class IX-A - Manufactured Homes and Recreation Sales Permit.**

(A) The Class IX-A Manufactured Homes and Recreation Sales Permit permits the holder to manufacture, fabricate and sell all LP Gas facilities or systems used in manufactured homes, campers, recreational vehicles and portable buildings whether such LP Gas system is manufactured, fabricated or sold separately or as an integral part of such trailer, camper, recreational vehicle or portable building. The annual fee for a Class IX-A is Seventy Dollars (\$70.00).

(B) This shall not be construed to require a permit for a sale by the owner of a manufactured home or recreational vehicle who is not engaged in such business on a commercial basis and does not make over two such sales in one year.

(12) **Class X - Manager's Permit.**

(A) A Class X Manager's permit is required for a person actively in charge of LP Gas operation for holder of Class I permit and at each separate branch or base of operation of a Class I permit. All Class X holders must be a full-time employee of said Class I holder. The annual fee for a Class X permit is One Hundred Fifty Dollars (\$150.00).

(B) Before testing for a Class X permit, an applicant must meet the following requirements as approved by the Board:

(i) Hold an active Class IV or Class IV-D permit and employed under an active Class I Dealer for a minimum of three (3) years or equivalent; and

(ii) One (1) year of the minimum three (3) years required experience can be satisfied with forty (40) hours of specified training.

(C) Temporary exemptions for emergency conditions can be granted by the Administrator.

(13) **Additional permits required for employees of Class I dealers.** Class IV, IV-D, VI-A, ~~and X,~~ and fuel handler permits are the only additional permits that may be required for the employees of a Class I dealer, or as may be required by future Board action.

(14) **LP Gas Trailer, Bobtail or Cargo Tank inspections.** For the purpose of defraying



the cost and expenses of administering and enforcing this act, persons, firms and corporations shall also pay at the time of inspection an annual inspection fee of One Hundred Fifty Dollars (\$150.00) for each LP Gas bobtail, MC 330 or MC 331 trailer or cargo tank that transports LP Gas in this State. All requirements imposed subsequent to these inspections must be met within thirty (30) days of the initial inspection. Failure to comply will necessitate a re-inspection at a charge of One Hundred Fifty Dollars (\$150.00) for each inspection. The inspection fee shall increase to Three Hundred Dollars (\$300.00) for each LP Gas bobtail, MC 330 or MC 331 trailer or cargo tank that transports LP Gas in this State if said LP Gas bobtail, MC 330 or MC 331 trailer or cargo tank is not initially inspected within sixty (60) days following the current permit expiration date, or if requirements imposed subsequent to the initial inspection are not completed within sixty (60) days of the initial inspection, whichever is later, or at the discretion of the Administrator.

(15) **Containers or cylinders.** There is hereby levied the following fee, to be paid to the Administrator, upon all first sales, purchases, rentals or uses in this state of liquefied petroleum gas containers or cylinders; on all Department of Transportation (DOT) cylinders, vehicle fuel containers, a fee of Three Dollars (\$3.00) each, and on all other containers, a fee of Ten Dollars (\$10.00) each.

#### **420:10-1-9. Issuing of certificates of permits [AMENDED]**

When an applicant for a permit has passed the written examination, when required, and has satisfied the Board as to all of the legal requirements including insurance, the Board shall issue the license sought upon the following terms and conditions:

(1) **Compliance.** The holder of the permit shall bind himself to comply with all of the laws, rules and regulations applicable to the business and to the permit which he has sought. Class I applicants shall attend an orientation with the Administrator prior to receiving their permit. After one year of business a Class I holder may be required to meet with the Board at the next regular Board meeting to review safety records and history. If not in compliance a 90 day show-cause hearing will be called to possibly revoke the permit. The burden of proof within the 90 days is placed on the permit holder. Permits issued under the act and the rules of this chapter shall be personal to the holder thereof and shall only be used and the rights thereunder authorized exercised by him and his duly qualified employees. No holder of a permit issued under the statutes and these rules shall lease, sub-let or permit in any manner the use of said permit or the performance of acts authorized thereunder by any person, other than duly qualified, bona fide employees of the holder of such permit, except as specifically provided in this chapter.

(2) **Record keeping.** Permit holders shall furnish a designated place or places at which all the books and records of the holder of the license shall be kept, including the records of any persons, firms or corporations who act in the name, place and stead of the permit holder in any manner. These records shall be open to inspection at all reasonable business hours by the Administrator or any other employee of the Board and a failure of the holder of the license, or employees, to permit such examination of the books and records shall be cause for suspension or revocation of the license under which such person, firm, or corporation might be operating.

(3) **Branches.** Prior to renewal of any Class I permit, the holder shall provide the Administration a complete list of branches of operations, dispensers, and a list of the Class IV, IV-D, VI and X permit holders for each location, as a part of his renewal application.

(4) **School attendance.** The Class I permit holder must indicate if all personnel have attended the mandatory schools as required by the rules and regulations. Failure to list all employees or fulfill the school attendance requirements of these rules and regulations shall be a cause for suspension or revocation of the license under which such person, firm or corporation might be operating.

**(5) Cylinder Exchange Programs.** All Class I permit holders that participate in the Cylinder Exchange Program must supply the Administration with a list of Class VII serviced customers, to include Company Name and Address, as part of the renewal application.

#### **(5)(6) Manager termination.**

(A) When a Class X Manager quits or is otherwise relieved of his duties and his permit is canceled as per 420:10-1-13(c), it shall be the duty of the Class I dealer to immediately notify the Administrator. The Administrator shall authorize interim continuance of an operation where no undue hazard would result, such authorized interim continuance may be granted for a period not to exceed 120 days. During such interim, it shall be the duty of the Class I permit holder to acquire the services of a qualified manager.

(B) No further continuances beyond 120 days shall be granted without review and approval of the Board, and can in no event be extended more than an additional three months.

**(6)(7) Exceptions.** Except as enumerated in (6) of this subsection and 420:10-1-10 no operation shall be allowed to operate unless a Class I dealer and a Class X Manager acting for the Class I holder is in charge; provided however the Board may extend the time in a situation of extreme

hardship in the nature of physical or mental disability or when the convenience and necessity of the public demands, to be determined by the Board after application and hearing.

~~(7)~~**(8) Class I and Class X permit issuance.** When a corporation, partnership, association or other non-personal entity seeking a Class I permit has satisfied all legal requirements, the Board shall issue a Class I permit to the non-personal entity, and a Class X permit to the individual designated by the non-personal entity, that submitted himself for the examination.

**420:10-1-20. Suspension or revocation of registration permits and fines; appeals**  
[AMENDED]

(a) **Authority.** The Administrator is authorized to suspend or revoke any registration permit issued by the Board, if it is found at a hearing on the matter, that the registrant has violated or is violating or has failed or is failing to comply with any provisions of Title 52, O.S., Section 420.1 and following, or these rules or specifications, or has delivered a lesser quantity of gas than the registrant bills the customer for with intent to defraud.

(b) **Individual Proceeding.** Administrative actions presented to the Administrator shall be an individual proceeding governed by the provisions of Article II of the Oklahoma Administrative Procedures Act.

(c) **Notice of Hearing on Citation.** The administrative process shall be initiated upon the filing of a Notice of Hearing on Citation which will provide notice of the proposed administrative action, including a statement of the time, place and nature of the hearing, the legal authority and jurisdiction under which the hearing is to be held, a reference to the sections of statutes and rules involved and a statement of the matters asserted. The Notice of Hearing on Citation shall be given by registered mail not less than ten (10) days, exclusive of the date of mailing, before the date thereof, addressed to the registrant complained against and to any other parties involved, each of whom shall have the right to file answer, to appear and be heard in person and by counsel, and to present evidence at such hearing.

(d) **Burden of proof.** At any hearing conducted pursuant to this section, the LP Gas Administration shall have the burden of proving by clear and convincing evidence that the registrant has violated the statutes or rules stated in the Notice.

(e) **Hearing officer.** The Administrator shall act as hearing officer and shall preside over the hearings. The Administrator shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. The Administrator shall have all powers necessary, including, but not limited to:

- (1) Examine witnesses and direct witnesses to testify.
- (2) Receive, rule on, exclude or limit evidence.
- (3) Rule on procedural issues.

(f) **Recording.** Testimony given at a hearing shall be audio recorded. All parties to the hearing may receive a copy of the audio upon request of the LP Gas Administration and payment of the costs thereof. Any party desiring a stenographic record of the testimony, at their own expense, may provide the services of a licensed or certified shorthand reported to obtain an official record of the hearing.

(g) **Proposed Findings of Fact and Conclusions of Law.** Any party to the hearing may file proposed findings of fact and conclusions of law within the time fixed by the hearing officer. Any party so filing shall also serve one copy of their proposed findings and conclusions upon each other party to the hearing.

(h) **Order.** If the Administrator finds at a hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of Section 420.1 and following, or these rules or specifications, the Administrator, if the findings justify such action, shall issue an order suspending the registrant's registration permit for a period not to exceed ninety (90) days, revoking the registration permit, or imposing a fine of not more than One Thousand Dollars (\$1,000.00) for each separate offense. The amount of the fine and the type of penalty imposed for an offense or violation shall be within the Administrator's discretion. The following is a non-exhaustive list of potential violations:

- (1) Unauthorized removal of red tag - [OAC 420:10-1-14(b)(9)]:

- (2) Inaccurate meters or meter calibration - [OAC 420:10 - 1 14 (b) (7)];
- (3) Meter gears do not match calibration report; Failing to report unsealed meter; Failing to give printed ticket - [OAC 420:10-1-14(b)(7)];
- (4) Failing to comply with inspection requirements - [OAC 420:10-1-14];
- (5) Leaving Internal Safety Valve (ISV) open or manual liquid outlet valve open during transportation - [NFPA 58,Ch.6-3.1.2];
- (6) ESV's not operating - [NFPA 58, Ch.6-3.1.2];
- (7) Other violations of NFPA 58 & 54 -[OAC 420:10-1-14];
- (8) Failing to list all storage sites owned, used, or leased by Class I dealer - [various];
- (9) Failing to pay invoice from Administrator within 35 days from issued date: maximum fine is 25% of invoice [various];
- (10) No insurance - [OAC 420:10-1-18];
- (11) Failing to report accident - [OAC 420:10-1-14(b)(3)]; and
- (12) Failure to comply with Officer and/or Administrator directives.

Any fine imposed pursuant to this section shall be deposited into the Liquefied Petroleum Gas Fund. The Administrator may impose additional fines for repeated or aggravated offenses or violations. The Administrator's Order shall be in writing and include findings of fact and conclusions of law. Copies shall be furnished to the registrant complained against and to the board.

(i) **Reconsideration.** Within ten (10) days after a final order is issued by the Administrator, the aggrieved party may ask the Board for reconsideration of the Order if there are adequate grounds set forth in section 317 of Article II of the Oklahoma Administrative Procedures Act. The Board shall affirm the Administrator's order if supported by substantial evidence.

(j) **Appeal to District Court.** In the event the Board affirms in whole or in part the action of the Administrator, the registrant may, within thirty (30) days after the Board's action, file an appeal with the district court of Oklahoma County or in the county wherein the registrant resides or has its principal place of business in this state, pursuant to Article II of the Administrative Procedures Act. Upon filing of an appeal, enforcement of the Administrator's order shall be stayed pending final disposition of such appeal. Upon affirmance, the order shall become final and conclusive and the stay of enforcement shall be vacated.