

OKLAHOMA STATUTES

TITLE 52. OIL AND GAS

§52-1. Corporation Commission or Commission defined.....	13
§52-1.1. Corporations for producing, transmitting or transporting natural gas.....	13
§52-2. Foreign gas pipeline corporations - License.....	13
§52-3. Eminent domain.....	13
§52-4. Right-of-way must be granted by charter and damages paid - Damages.....	13
§52-5. Construction and operation of pipelines - Safety regulations - Markers - Promulgation of rules - Personnel - Expenses.....	14
§52-5.1. Cooperation with other agencies.....	15
§52-5.2. Deposit of monies collected in Corporation Commission Revolving Fund.....	15
§52-6. Repealed by Laws 1968, c. 73, § 3, eff. March 25, 1968.....	16
§52-7. Necessity of incorporation.....	16
§52-8. Plat and information showing trunk lines - Filing with Corporation Commission.....	16
§52-9. Domestic pipeline companies - Erection of pumping stations.....	16
§52-10. Pipeline companies may cross highways, bridges, etc. - Supplying gas to landowner.....	17
§52-21. Businesses and persons subject to act - Vested rights excepted.....	17
§52-22. Pipeline right-of-way - Eminent domain - Highways.....	18
§52-23. Pipeline operators common purchasers - Requirements - Exemptions.....	18
§52-24. Pipeline companies declared common carriers - Discrimination - Exemptions.....	19
§52-24.1. Refusal to purchase or transport natural gas - Complaint - Hearing - Orders.....	19
§52-24.2. Definitions.....	20
§52-24.3. Repealed by Laws 1999, c. 317, § 5, emerg. eff. June 4, 1999.....	20
§52-24.4. Definitions.....	20
§52-24.5. Discriminatory fees - Open access - Commission authority.....	21
§52-25. Parties not complying with act not to own gas wells, etc.....	27
§52-26. Prerequisite to carrying gas - Filing acceptance and plats - Records for Corporation Commission.....	28
§52-27. Right-of-way - Highways - Eminent domain - Foreign corporations - Negligent injuries.....	28
§52-28. Filing records or plats with Corporation Commission - Extension of time.....	29
§52-29. Production levels of gas wells - Rulemaking - Hardship wells - Field rules.....	29
§52-30. Meters - Reports.....	30
§52-30.1. Electronic natural gas measuring systems - Audit of certain leases and collection of royalties.....	31
§52-31. Violation of act - Punishment.....	32
§52-32. Violations - Receivership - procedure.....	32
§52-33. Evidence - Certified transcripts of reports of gas companies.....	33
§52-34. Enforcement by Corporation Commission - Appeals.....	33
§52-35. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....	33
§52-36.1. Definitions.....	33
§52-36.2. Public interest and welfare.....	33
§52-36.3. Condemnation of subsurface stratum or formation - Operation of storage facilities - Limitations.....	34
§52-36.4. Certificate of Commission.....	35
§52-36.5. Petition to district court - Examination and determination - Subsequent proceedings.....	35
§52-36.6. Ownership of gas.....	36
§52-36.7. Partial invalidity.....	36
§52-41. Gas from interstate pipelines - License from Corporation Commission.....	37
§52-42. Repealed by Laws 1993, c. 340, § 3, emerg. eff. June 9, 1993.....	37
§52-43. Repealed by Laws 1993, c. 340, § 3, emerg. eff. June 9, 1993.....	37
§52-44. Gas to be furnished through meters at meter rates - Exceptions.....	37
§52-45. Violations of act misdemeanor - Punishment.....	37
§52-46.1. Ammonia - Commercial fertilizers - Transportation by pipeline.....	38
§52-46.2. Hearing and determination of applications - Appeals.....	38

§52-46.3. Eminent domain.....	38
§52-46.4. Rules and regulations.....	38
§52-47.1. Short title.....	38
§52-47.2. Definitions.....	38
§52-47.3. Powers and duties of Commission.....	39
§52-47.4. Inspection, operation and maintenance plan.....	40
§52-47.5. Determination of hazardous transportation system - Corrective action - Emergencies.....	41
§52-47.6. Violations - Penalties.....	42
§52-47.7. Action to redress or restrain violation.....	42
§52-47.8. Appeals.....	43
§52-51. Oil companies must comply with statute - "Petroleum" defined.....	43
§52-52. Right-of-way.....	43
§52-53. Foreign corporations.....	44
§52-54. Common purchasers of oil - Required to purchase - Discrimination prohibited.....	44
§52-55. Chapter inapplicable to businesses not of public consequence.....	44
§52-56. Oil carriers are common carriers - Discrimination prohibited.....	45
§52-57. Oil carriers not to be interested in producing.....	45
§52-58. Acceptance of laws and plats to be filed.....	45
§52-59. Domestic pipeline companies have right-of-way.....	46
§52-60. Eminent domain extended to oil pipelines same as railroads.....	46
§52-61. Eminent domain, who may have - Foreign corporations.....	46
§52-62. Commission may extend time for filing plats.....	47
§52-63. Penalty for violations.....	47
§52-64. Suspension of penalty, when.....	47
§52-65. Certified transcript shall be evidence.....	48
§52-66. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....	48
§52-67. Authorization for construction, siting, expansion or operation of crude oil or refined petroleum product pipeline facilities – Schedule of approval.....	48
§52-81. Repealed by Laws 1997, c. 275, § 15, eff. July 1, 1997.....	49
§52-82. Repealed by Laws 1982, c. 354, § 11, operative July 1, 1982.....	49
§52-83. Repealed by Laws 1997, c. 275, § 15, eff. July 1, 1997.....	49
§52-84. Repealed by Laws 1947, c. 327, § 6.....	49
§52-85. Repealed by Laws 1947, c. 327, § 6.....	49
§52-86. Repealed by Laws 1947, c. 327, § 6.....	49
§52-86.1. Definitions.....	49
§52-86.2. Waste in production of oil - industrial use of water produced.....	50
§52-86.3. Waste of gas - Meaning - Prevention - Prohibition - Protection of fresh water and oil or gas bearing strata.....	51
§52-86.4. Common source of supply - Orders, rules and regulations.....	51
§52-86.5. Procedural requirements.....	52
§52-87. Repealed by Laws 1947, c. 331, § 2.....	52
§52-87.1. Common source of supply of oil - Well spacing and drilling units.....	52
§52-87.2. Protest of applications relating to spacing units - Proper parties - Intervention - Report by Corporation Commission.....	61
§52-87.3. Application or petition for location exception - Notice of hearing.....	62
§52-87.4. Affidavit of election for drilling well under pooling order.....	62
§52-87.5. Applications for approval of increased density wells – Notice and hearing.....	62
§52-87.6. Short title - Extended Horizontal Well Development Act - Definitions.....	64
§52-87.7. Corporation Commission jurisdiction.....	66
§52-87.8. Horizontal wells – Allocation of costs, production, and proceeds – Application for approval.	67
§52-87.9. Horizontal well unitization for targeted reservoirs.....	69
§52-88. Repealed by Laws 1947, c. 331, § 1.....	74

§52-89. Repealed by Laws 1947, c. 331, § 1.....	75
§52-90. Repealed by Laws 1947, c. 327, § 6.....	75
§52-91. Meters on pipelines - Commission to designate type - Inspection - Cost of operation.....	75
§52-92. Reports - Oil purchased or transported - Forms - Verification.....	75
§52-93. Operators - Books - Oil produced and sold.....	76
§52-94. Maps and drawings - Location of pipelines and connections - Verification.....	76
§52-95. Reports - Quantity of oil produced and moved - Penalty.....	77
§52-96. Verification of reports, statements, maps and drawings.....	77
§52-97. Commission - Jurisdiction to make orders, rules and regulations - Hearings.....	78
§52-98. Powers of Commission - Marshal of Commission.....	79
§52-99. Filing of papers and documents - Use as evidence.....	80
§52-100. Witnesses - Depositions.....	80
§52-101. Procedure - Rules of - Enforcement of orders and rules.....	80
§52-102. Contempt - Punishment - Enforcement of fines - Disposition of fines and penalties.....	81
§52-103. Contempt - Proceedings - How commenced - Complaint - Citation.....	82
§52-104. Right of entry and inspection by conservation officer, his assistants and deputies.....	83
§52-105. Power to close wells - Orders regulating flow and production - Motion or petition for order - Temporary orders.....	83
§52-106. Notice on filing of motion or petition.....	85
§52-107. Process - Service - How made - Return.....	85
§52-108. Oaths - Felony of perjury.....	86
§52-109. False verification of documents as perjury - Punishment.....	86
§52-110. Market demand - Transportation and marketing facilities - Evidence - Proceedings and hearings.....	86
§52-111. Collateral attack on orders, rules and regulations - Appeals - Supreme Court.....	87
§52-112. Application to amend or modify orders - Hearing - Appeal.....	87
§52-113. Appeals - Power of Supreme Court - Supersedeas - Bond.....	88
§52-114. Obstructing or delaying performance of duties a felony.....	89
§52-115. Conspiracy to violate act - Punishment.....	90
§52-116. Violation of orders, rules and regulations - Injunction - Appeal - Supersedeas.....	91
§52-117. Bribery - Punishment.....	92
§52-118. Bribery - Accepting bribe - Punishment.....	92
§52-119. Bribery - State's evidence - Immunity.....	92
§52-120. Powers - Grant of not to restrict general powers.....	93
§52-121. Repealed by Laws 1967, p. 207, § 6, eff. May 1, 1967.....	93
§52-122. Repealed by Laws 1941, p. 217, § 5.....	93
§52-123. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-124. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-124.1. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-125. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-126. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-127. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-127.1. Repealed by Laws 1961, p. 432, § 1.....	93
§52-127.2. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-128. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-129. Repealed Laws 1941, p. 217, § 5.....	93
§52-130. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-131. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	93
§52-132. Office of Management and Enterprise Services - Rooms and supplies.....	94
§52-133. Repealed by Laws 1967, c. 207, § 6, eff. May 1, 1967.....	94
§52-134. Partial invalidity - Effect.....	94
§52-135. Pending actions not terminated.....	94
§52-136. Application of procedural requirements - Right of appeal - Rules and regulations.....	95

§52-137. Repealed by Laws 2015, c. 341, § 2.....	95
§52-137.1. Regulation of oil and gas activities by municipalities, counties, or other political subdivisions.....	95
§52-138. Partial invalidity, effect of.....	96
§52-139. Jurisdiction, powers and authority of Corporation Commission and Department of Environmental Quality.....	96
§52-140. Earthen storage ponds - Remedial action.....	100
§52-141. Rules and orders - Powers of Commission - Power to file applications with Commission or appear before Commission - Appeals.....	102
§52-142. Cooperation and assistance of other environmental agencies.....	102
§52-143. Penalties.....	103
§52-144. Provisions supplemental - Exceptions.....	103
§52-145. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....	103
§52-146. Right of condemnation by eminent domain to enforce Commission orders.....	103
§52-147. Institution of condemnation proceedings by lessees.....	104
§52-148. Court procedure.....	104
§52-149. Conservation Division - Creation - Personnel - Duties - Qualifications.....	104
§52-149.1. Oil and gas referees.....	107
§52-149.2. Oil and Gas Appellate Referees.....	108
§52-149.3. Teleconference hearings.....	108
§52-150. Repealed by Laws 1981, c. 340, § 28, eff. July 1, 1981.....	108
§52-151. Repealed by Laws 1981, c. 340, § 28, eff. July 1, 1981.....	109
§52-152. Salaries, costs and expenses - Payment.....	109
§52-153. Persons having authority to make investigations, serve orders, etc.....	109
§52-154. Repealed by Laws 1980, c. 298, § 21, eff. Jan. 5, 1981.....	109
§52-201. Compacts with other states authorized - Objectives - Fact finding agency - Uniform conservation and tax laws.....	109
§52-202. Interstate compacts - When binding.....	110
§52-203. Interstate Compact ratified and confirmed.....	110
§52-204. Terms and provisions of compact.....	111
§52-205. Governor as official representative of state - Powers and duties - Assistant representatives.	113
§52-206. Clerical, technical and legal assistants - Expenses - Office.....	114
§52-207. Interstate Oil Compact Fund - Purpose for which used - Disposition of unexpended balance.	114
§52-208. Duration of Act - Withdrawal from Compact - Credit of funds to General Revenue Fund..	115
§52-209. Repealed Laws 1961, p. 432, § 1.....	115
§52-210. Repealed Laws 1961, p. 432, § 1.....	115
§52-211. Further extensions - Withdrawal from Compact - Determination and necessary steps.....	115
§52-231. Ownership of gas.....	116
§52-232. Drilling rights.....	116
§52-233. Sale of gas - Prices and amounts of gas to be taken - Delivery.....	116
§52-234. Misappropriation of gas - Liability for damages and penalties.....	117
§52-235. Misappropriation of gas - Felony of grand larceny.....	117
§52-236. Waste prohibited.....	117
§52-237. Waste defined.....	117
§52-238. Conservation of gas.....	117
§52-239. Common source of supply - Apportionment and regulation to prevent waste.....	118
§52-240. "Common purchaser" - Discrimination in purchases prohibited - Regulation of purchases.	118
§52-241. Enforcement of act - Hearings before Corporation Commission.....	119
§52-242. Appeals to Supreme Court.....	119
§52-243. Corporation Commission - Authority to make rules and regulations.....	120

§52-244. Pipeline companies - Acceptance of act as prerequisite to right to operate.....	120
§52-245. Mine Inspector - Duties unchanged.....	120
§52-246. Partial invalidity - Effect.....	120
§52-247. Violation - Penalties.....	121
§52-248. Declaration of policy.....	121
§52-249. Definition.....	121
§52-250. Natural gas - Pumping of water for irrigation - Preferred use.....	121
§52-251. Prices, terms and conditions - Determination.....	122
§52-252. Procedure - Appeals.....	122
§52-253. Initiation of proceedings.....	122
§52-254. Obligation of well operators.....	122
§52-255. Controversies pending.....	123
§52-256. Penalties.....	123
§52-257. Order granting emergency relief.....	123
§52-260.1. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	123
§52-260.2. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	123
§52-260.3. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	123
§52-260.4. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	123
§52-260.5. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.6. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.7. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.8. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.9. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.10. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.11. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.12. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-260.13. Repealed by Laws 1990, c. 310, § 5, eff. Sept. 1, 1990.....	124
§52-261. Repealed by Laws 1997, c. 398, § 3, emerg. eff. June 10, 1997.....	124
§52-261.1. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.....	124
§52-271. Waste prohibited.....	124
§52-272. Production and sale regulated - Corporation Commission, authority of.....	124
§52-273. Waste defined - Regulations to prevent.....	125
§52-274. Common source of supply - Restrictions on production when full production would cause waste - Powers of Corporation Commission - Discrimination prohibited.....	125
§52-275. Wells gauged - Regulation by Corporation Commission - Agents.....	125
§52-276. Enforcement of act - Hearings before Corporation Commission.....	126
§52-277. Appeals to Supreme Court - Effect on orders.....	126
§52-278. Violation - Penalties.....	126
§52-279. Partial invalidity.....	127
§52-286.1. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.2. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.3. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.4. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.5. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.6. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.7. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.8. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.9. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.10. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.11. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.12. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.13. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127
§52-286.14. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	127

§52-286.15. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	128
§52-286.16. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	128
§52-286.17. Repealed by Laws 1951, p. 142, § 16, emerg. eff. May 26, 1951.....	128
§52-287.1. Legislative finding.....	128
§52-287.2. Power and authority of Commission.....	128
§52-287.3. Matters to be found by Corporation Commission - Requisites of petition.....	128
§52-287.4. Order - Units and unit areas - Plan of unitization.....	129
§52-287.5. Ratification or approval of plan by lessees and owners.....	131
§52-287.6. Procedure - Notice - Appeals.....	132
§52-287.7. Unlawful operation.....	132
§52-287.8. Status and powers of unit - Liability for expenses - Liens.....	133
§52-287.9. Modification of property rights, leases and contracts - Title to property - Distribution of proceeds - Delivery in kind - Effect of operations - Matters not affected.....	134
§52-287.10. Enlargement of area - Creation of new units - Amendment of plan.....	135
§52-287.11. Participation by public lands.....	136
§52-287.12. Receipts as income.....	136
§52-287.13. Definitions.....	136
§52-287.14. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.....	137
§52-287.15. Agreements not violative of laws governing monopolies or restraint of trade.....	137
§52-288.1. Short title.....	137
§52-288.2. Definitions.....	137
§52-288.3. Oklahoma Energy Resources Board.....	138
§52-288.4. Board - Composition - Qualifications - Terms - Vacancies - Additional members - First meeting - Compensation and expenses.....	138
§52-288.5. Board - Powers, duties and responsibilities.....	140
§52-288.5A. Committee for Sustaining Oklahoma's Energy Resources.....	141
§52-288.5B. Sustaining Oklahoma's Energy Resources Revolving Fund.....	143
§52-288.5C. Transferring the authority of the Commission on Marginally Producing Oil - terminating terms - transferring funds.....	143
§52-288.5D. Levying fee to fund Commission.....	144
§52-288.5E. Refund of fees levied on production.....	145
§52-288.6. Board - Annual meeting - Regular meeting - Quorum - Additional meeting - Appointment of Director.....	146
§52-288.7. Energy Resources Revolving Fund.....	146
§52-288.8. Repealed by Laws 1993, c. 184, § 11, emerg. eff. May 17, 1993.....	147
§52-288.8A. Levy of assessment - Remitting - Rate - Collection.....	147
§52-288.9. Repealed by Laws 1993, c. 184, § 11, emerg. eff. May 17, 1993.....	148
§52-288.9A. Refunds.....	148
§52-288.10. Repealed by Laws 1993, c. 184, § 11, emerg. eff. May 17, 1993.....	149
§52-288.11. Investment of funds - Utilizing funds to influence governmental action or policy.....	149
§52-288.12. Act not to preempt or supersede other state or national programs - Application to rules and amendment of rules - Support of national program.....	149
§52-291. Confinement of gas until used.....	149
§52-292. Waste from gas pipeline - Unlawful if unnecessary.....	150
§52-293. Flambeau lights unlawful.....	150
§52-294. Lights - Daytime use prohibited.....	150
§52-295. Burning gas during day.....	150
§52-296. Refuse from wells - Disposition.....	150
§52-296.1. Securing of crude oil storage tanks.....	151
§52-297. Repealed by Laws 1961, p. 433, § 1.....	151
§52-298. Repealed by Laws 1961, p. 433, § 1.....	151
§52-299. Repealed by Laws 1961, p. 433, § 1.....	151
§52-300. Repealed by Laws 1961, p. 433, § 1.....	151

§52-301. Repealed by Laws 1961, p. 433, § 1.....	151
§52-302. Firing oil or gas, or interfering with appliances unlawful.....	151
§52-303. Penalty for violations.....	152
§52-304. Repealed by Laws 1941, p. 218, § 1, emerg. eff. June 4, 1941.....	152
§52-305. Well drilling within 100 feet of underground coal mines prohibited.....	152
§52-306. Workable coal beds or seams defined.....	152
§52-307. Drilling of wells through workable seams - Regulations.....	152
§52-308. Plugging.....	153
§52-309. Findings and declarations.....	153
§52-310. Leaking wells - Entry upon land to plug, replug or repair - Emergencies.....	153
§52-311. Liability for damages.....	154
§52-312. Responsibility for future remedial work.....	154
§52-313. No admission of liability or discharge of action.....	155
§52-314. Right of action for costs involved - Lien.....	155
§52-315. Supplemental remedy.....	155
§52-316. Proceedings.....	155
§52-317. "Person" defined.....	155
§52-317.1. Seeping natural gas - Jurisdiction, power, and authority of the Corporation Commission.	156
§52-318. Remedial work - Contracts upon competitive bids.....	157
§52-318.1. Agreement as to compliance with drilling and plugging regulations - Evidence of financial responsibility - Bond - Cost of plugging - Notice - Remedial operations.....	158
§52-318.1a. Confidentiality of financial statement.....	161
§52-318.2. Definitions.....	161
§52-318.3. Notice of intent to drill - Negotiating surface damages.....	161
§52-318.4. Undertakings which may be posted as damage deposit.....	162
§52-318.5. Negotiating surface damages - Appraisers - Report and exceptions thereto - Jury trial..	162
§52-318.6. Appeal of decision on exceptions to report of appraiser or verdict upon jury trial - Execution of instruments of conveyance.....	165
§52-318.7. Effect of act on existing contractual rights and contracts to establish correlative rights - Indian lands.....	165
§52-318.8. Effect of act on jurisdiction, authority and power of Corporation Commission.....	166
§52-318.9. Violation of act - Damages.....	166
§52-318.10. Renumbered as § 320.1 of this title by Laws 2006, c. 309, § 1, emerg. eff. June 8, 2006.	166
§52-318.21. Short title - Seismic Exploration Regulation Act - Definitions.....	166
§52-318.22. Seismic exploration operations - Registration - Permits - Requirements - Penalty.....	167
§52-318.23. Seismic test hole blasting - Damages.....	170
§52-319. Repealed by Laws 1971, c. 25, § 2, eff. March 22, 1971.....	171
§52-320. "Growing crops" defined.....	171
§52-320.1. Restriction on location of habitable structures.....	172
§52-320.2. Unlawful use of safety equipment in oil or gas production.....	172
§52-321. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	172
§52-322. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	172
§52-323. Repealed by Laws 1941, p. 467, § 18, emerg. eff. June 7, 1941.....	172
§52-324. Repealed by Laws 1945, p. 171, § 6, eff. July 1, 1945.....	172
§52-324.1. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	172
§52-324.2. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	173
§52-324.3. Repealed by Laws 1961, p. 433, § 1, emerg. eff. June 13, 1961.....	173
§52-324.4. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	173
§52-324.5. Repealed by Laws 1947, p. 439, § 4, eff. June 1, 1947.....	173
§52-324.6. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173
§52-324.7. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173

§52-324a. Repealed by Laws 1945, p. 171, § 6, eff. July 1, 1945.....	173
§52-325. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173
§52-325.1. Repealed by Laws 2018, c. 27, § 61, eff. Nov. 1, 2018.....	173
§52-326. Repealed by Laws 1939, p. 354, § 9, eff. July 1, 1939.....	173
§52-327. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173
§52-328. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173
§52-329. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	173
§52-330. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173
§52-330.1. Repealed by Laws 2018, c. 27, § 61, eff. Nov. 1, 2018.....	173
§52-331. Repealed by Laws 1945, p. 171, § 6, eff. July 1, 1945.....	173
§52-332. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173
§52-332.1. Repealed by Laws 2018, c. 27, § 61, eff. Nov. 1, 2018.....	173
§52-333. Repealed by Laws 1939, p. 354, § 9, eff. July 1, 1939.....	173
§52-334. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	173
§52-335. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	173
§52-336. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-337. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-338. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-339. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-340. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-341. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-342. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-343. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-344. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-345. Repealed by Laws 2004, c. 430, § 23, emerg. eff. June 4, 2004.....	174
§52-346. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	174
§52-346.1. Repealed by Laws 2018, c. 27, § 61, eff. Nov. 1, 2018.....	174
§52-346.2. Repealed by Laws 2018, c. 27, § 61, eff. Nov. 1, 2018.....	174
§52-347. Repealed by Laws 2018, c. 27, § 60, eff. Nov. 1, 2018.....	174
§52-348. Renumbered as § 142.1 of Title 40 by Laws 2014, c. 328, § 14. Editorially renumbered as § 142.2 of Title 40 to avoid a duplication in numbering.....	174
§52-371. Repealed by Laws 1993, c. 146, § 29.....	174
§52-372. Repealed by Laws 1993, c. 146, § 29.....	174
§52-373. Repealed by Laws 1993, c. 146, § 29.....	174
§52-374. Repealed by Laws 1993, c. 146, § 29.....	175
§52-375. Repealed by Laws 1993, c. 146, § 29.....	175
§52-376. Repealed by Laws 1993, c. 146, § 29.....	175
§52-377. Repealed by Laws 1993, c. 146, § 29.....	175
§52-378. Repealed by Laws 1993, c. 146, § 29.....	175
§52-391. Sale of petroleum products under deception as to quality or identity.....	175
§52-392. Marked containers or distributing equipment - Use in selling petroleum products.....	175
§52-393. Trademark - Imitation.....	175
§52-394. Selling under false mark or name.....	175
§52-395. Mixing or blending.....	176
§52-396. Aiding violations of act.....	176
§52-397. Violation of provisions - Misdemeanor.....	176
§52-398. Definitions - Persons liable for violations by firm or corporation.....	177
§52-399. Partial invalidity - Effect.....	177
§52-420.1. Short title - Definitions.....	177
§52-420.2. State Liquefied Petroleum Gas Administrator - Deputies and enforcement officers.....	177
§52-420.3. Oklahoma Liquefied Petroleum Gas Board.....	179
§52-420.3A. Liability of sellers, suppliers, handlers, or transporters of liquified petroleum gas.....	181
§52-420.4. Registration permits - Fees - Insurance requirements.....	182

§52-420.5. Fees on sale, purchase, rental and/or use of refillable cylinders and containers - Penalties.	186
§52-420.6. Suspension or revocation of registration permits - Appeals - Rules governing sale or transfer.	187
§52-420.7. Inspections - Proving metering systems - Display of permit - Complaints and arrests - Condemnation of systems and appliances - Duties of Attorney General.	189
§52-420.8. Violations of law or rule.	191
§52-420.9. Specifications for commercial propane, butane and mixtures - Identification of vehicles - Motor carriers - Transportation out of state - Retail deliveries.	191
§52-420.10. Appointment of administrative staff.	192
§52-420.11. Disposition of funds and fees - Annual report - Liquefied Petroleum Gas Fund - Expenditures.	192
§52-420.12. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.	193
§52-420.13. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.	193
§52-420.14. Nonresidents - Prohibition on storage or dispensing.	193
§52-420.15. Safety schools for liquefied petroleum dealers.	193
§52-420.16. Repealed by Laws 1975, c. 104, § 9, emerg. eff. May 2, 1975.	193
§52-420.17. Inspectors' uniforms - Maintenance and cleaning allowance.	193
§52-420.20. Short title.	194
§52-420.21. Definitions.	194
§52-420.22. Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission - Creation.	195
§52-420.23. Commission membership - Appointment - Qualifications - Geographical distribution - Employment - Term of office - Vacancies - Chairperson - Travel reimbursement.	195
§52-420.24. Commission powers and duties.	196
§52-420.25. Commission meetings - Appointment of Director.	197
§52-420.26. LP Gas Research, Marketing and Safety Revolving Fund.	198
§52-420.27. Assessment on first sale or import of odorized LP gas - Records of remitted fees - Entry upon business premises - Suspension or revocation of registration permit.	198
§52-420.28. Assessment collection - Penalties.	199
§52-420.29. Assessment refund.	200
§52-420.29-1. Exports exempted from assessment.	200
§52-420.29-2. Application for refund by purchaser.	201
§52-420.29-3. Petition to Commission for refund.	201
§52-420.30. Certain programs not preempted - Designation of funds for payment of certain programs.	201
§52-420.31. Oklahoma Propane Education and Safety Council - Powers and duties.	202
§52-420.51. Renumbered as § 130.11 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	204
§52-420.52. Renumbered as § 130.12 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	204
§52-420.53. Renumbered as § 130.13 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.54. Renumbered as § 130.14 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.55. Renumbered as § 130.15 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.56. Renumbered as § 130.16 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.57. Renumbered as § 130.17 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.58. Renumbered as § 130.18 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.59. Renumbered as § 130.19 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.60. Renumbered as § 130.20 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.61. Renumbered as § 130.21 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.62. Renumbered as § 130.22 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.63. Renumbered as § 130.23 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-420.64. Renumbered as § 130.24 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.	205
§52-421. Repealed by Laws 1953, p. 227, § 14.	205
§52-421.1. Liquefied petroleum gas emergency - Declaration by Governor.	205

§52-422. Repealed by Laws 1953, p. 227, § 14.....	206
§52-423. Repealed by Laws 1953, p. 227, § 14.....	206
§52-424. Repealed by Laws 1953, p. 227, § 14.....	206
§52-425. Repealed by Laws 1953, p. 227, § 14.....	206
§52-426. Repealed by Laws 1953, p. 227, § 14.....	206
§52-427. Repealed by Laws 1953, p. 227, § 14.....	206
§52-428. Repealed by Laws 1953, p. 227, § 14.....	206
§52-429. Repealed by Laws 1953, p. 227, § 14.....	206
§52-430. Repealed by Laws 1953, p. 227, § 14.....	206
§52-431. Repealed by Laws 1949, p. 373, § 10.....	206
§52-432. Repealed by Laws 1953, p. 227, § 14.....	206
§52-433. Repealed by Laws 1953, p. 227, § 14.....	206
§52-434. Repealed by Laws 1953, p. 227, § 14.....	206
§52-435. Repealed by Laws 1953, p. 227, § 14.....	206
§52-436. Repealed by Laws 1953, p. 227, § 14.....	206
§52-437. Repealed by Laws 1953, p. 227, § 14.....	206
§52-438.1. Repealed by Laws 1953, p. 227, § 14.....	206
§52-438.2. Repealed by Laws 1953, p. 227, § 14.....	206
§52-438.3. Repealed by Laws 1953, p. 227, § 14.....	206
§52-438.4. Repealed by Laws 1953, p. 227, § 14.....	206
§52-438.5. Repealed by Laws 1953, p. 227, § 14.....	207
§52-438.6. Repealed by Laws 1953, p. 227, § 14.....	207
§52-438.7. Repealed by Laws 1953, p. 227, § 14.....	207
§52-438.8. Repealed by Laws 1953, p. 227, § 14.....	207
§52-438.9. Repealed by Laws 1953, p. 227, § 14.....	207
§52-438.10. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.1. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.2. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.3. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.4. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.5. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.6. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.7. Repealed by Laws 1953, p. 227, § 14.....	207
§52-441.8. Repealed by Laws 1953, p. 227, § 14.....	207
§52-451. Repealed by Laws 1961, p. 433, § 1.....	207
§52-452. Repealed by Laws 1961, p. 433, § 1.....	207
§52-453. Repealed by Laws 1961, p. 433, § 1.....	207
§52-471. Short title.....	207
§52-472. Terms defined - Pressure - Conversion to standard conditions.....	207
§52-473. Determination of factors by Commission - Determination and report of volumes.....	208
§52-474. Sales, purchases and deliveries - Adjustment of contract prices.....	208
§52-475. Penalty for violations - Civil actions.....	209
§52-476. Partial invalidity.....	209
§52-477. Jurisdiction of Commission not restricted.....	209
§52-501. Repealed by Laws 1984, c. 164, § 32, eff. Nov. 1, 1984.....	210
§52-502. Repealed by Laws 1984, c. 164, § 32, eff. Nov. 1, 1984.....	210
§52-503. Repealed by Laws 1984, c. 164, § 32, eff. Nov. 1, 1984.....	210
§52-504. Repealed by Laws 1972, c. 208, § 12, eff. Oct. 1, 1972.....	210
§52-505. Repealed by Laws 1972, c. 208, § 12, eff. Oct. 1, 1972.....	210
§52-521. Leasing of mineral interests of owners who cannot be located.....	210
§52-522. Procedure.....	210
§52-523. Negotiations by receiver - Deposit of funds - Discharge - Costs.....	211
§52-524. Natural gas - Preferred use.....	212

§52-525. Agricultural use of natural gas - Price - Installation of lines - Cessation of delivery.....	212
§52-526. Irrigation pumps - Providing natural gas - Price - Installation of lines - Cessation of delivery.	212
§52-527. Method of measuring amount of gas.....	213
§52-528. State Corporation Commission - Powers and duties - Duty of Operators.....	213
§52-529. Liability of operators - Jurisdiction - Venue.....	213
§52-540. Renumbered as § 570.10 of this title by Laws 1992, c. 190, § 28.....	214
§52-540.1. Repealed by Laws 1992, c. 190, § 27, eff. Sept. 1, 1992.....	214
§52-541. Renumbered as § 581.2 of this title by Laws 1992, c. 190, § 29.....	214
§52-542. Renumbered as § 581.6 of this title by Laws 1992, c. 190, § 29.....	214
§52-543. Renumbered as § 581.5 of this title by Laws 1992, c. 190, § 29.....	214
§52-544. Renumbered as § 581.7 of this title by Laws 1992, c. 190, § 29.....	214
§52-545. Renumbered as § 581.8 of this title by Laws 1992, c. 190, § 29.....	214
§52-546. Renumbered as § 581.9 of this title by Laws 1992, c. 190, § 29.....	214
§52-547. Renumbered as § 581.10 of this title by Laws 1992, c. 190, § 29.....	214
§52-548. Short title.....	214
§52-548.1. Repealed by Laws 2010, c. 142, § 13, emerg. eff. April 19, 2010.....	214
§52-548.2. Repealed by Laws 2010, c. 142, § 13, emerg. eff. April 19, 2010.....	214
§52-548.3. Repealed by Laws 2010, c. 142, § 13, emerg. eff. April 19, 2010.....	214
§52-548.4. Repealed by Laws 2010, c. 142, § 13, emerg. eff. April 19, 2010.....	215
§52-548.5. Repealed by Laws 2010, c. 142, § 13, emerg. eff. April 19, 2010.....	215
§52-548.6. Repealed by Laws 2010, c. 142, § 13, emerg. eff. April 19, 2010.....	215
§52-549.1. Short title.....	215
§52-549.2. Definitions.....	215
§52-549.3. Oil and gas lien.....	218
§52-549.4. Perfection of oil and gas lien.....	219
§52-549.5. Oil and gas commingling.....	220
§52-549.6. Rights of purchaser.....	220
§52-549.7. Relative priority of oil and gas lien.....	221
§52-549.8. Not affected by act.....	221
§52-549.9. Waiver, relinquishment, release.....	221
§52-549.10. Expiration of oil and gas lien - Enforcement of lien.....	222
§52-549.11. Rights of operator.....	223
§52-549.12. Cumulative rights.....	223
§52-551. Definitions.....	223
§52-552. Escrow accounts.....	223
§52-553. Mineral Owner's Fund.....	224
§52-554. Transmission of funds - Escrow report - Claims against Mineral Owner's Fund.....	225
§52-555. Investment of funds - Apportionment of interest.....	225
§52-556. Custody of Mineral Owner's Fund - Transfer of monies to Unclaimed Property Fund.....	226
§52-557. Conditions for oil well plugging approval.....	226
§52-558. Implementation of act - Rules - Prospective operation.....	226
§52-567. Repealed by Laws 1989, c. 241, § 2, eff. July 1, 1989.....	227
§52-568. Repealed by Laws 1989, c. 241, § 2, eff. July 1, 1989.....	227
§52-569. Renumbered by Laws 1987, c. 189, § 7, operative Nov. 1, 1987.....	227
§52-570.1. Short title.....	227
§52-570.2. Definitions.....	227
§52-570.3. Application of act.....	229
§52-570.4. Sharing of and payment of proceeds - Operator's capacity and duties - Alternative royalty disbursement procedure.....	229
§52-570.5. Designation of person for certain royalty, accounting and remittance functions.....	230
§52-570.6. Selling royalty gas in kind - Consumption and accounting for royalty gas.....	231
§52-570.7. Out-of-balance wells.....	232

§52-570.8. Working interest owner's statement to operator - Nomination of gas for producing owner's account - Producing owner's report - Gas meter owner's statement - First purchaser's or shipper's statement - Records to be maintained - Operator's rights and remedies for noncompliance - Elections and notices - Other remedies.....	232
§52-570.9. Production rights of owner - Ownership and payment of proceeds - Working interest owner's rights, duties and liability - Effect of act.....	236
§52-570.10. Payment of proceeds from sale of oil and gas production.....	237
§52-570.11. Division orders.....	241
§52-570.12. Information to be included with payments to interest owner - Calculation of revenue decimals - Measurement of gas volume reported - Electronic dissemination.....	242
§52-570.13. Promulgation of rules.....	242
§52-570.14. Jurisdiction of district courts - Rulemaking power of Corporation Commission - Right of action of injured owner and costs of suit - Statute of limitations.....	243
§52-570.15. Performance pursuant to act - Satisfaction of duties and obligation.....	243
§52-581.1. Short title.....	244
§52-581.2. Purpose and intent of act.....	244
§52-581.3. Definitions.....	244
§52-581.4. Exemptions - Owners ineligible to elect to market share.....	244
§52-581.5. Election to market share - Procedure.....	245
§52-581.6. Election to market share - Effect.....	247
§52-581.7. Amount of gas produced from well.....	248
§52-581.8. Distribution of revenues from sale of production.....	248
§52-581.9. Construction and application of act.....	248
§52-581.10. Enforcement powers of Corporation Commission - Promulgation of rules - Administration fees - Judicial remedies - Costs and expenses - Statute of limitations - Jurisdiction of district courts.....	248
§52-601. Short title.....	249
§52-602. Legislative intent.....	249
§52-603. Definitions.....	250
§52-604. Transfers prohibited.....	251
§52-605. Exempted transfers.....	251
§52-606. Valid transfers - Application for approval of transfer - Standards for approval - Waiver - Hearings, adjudications and appeals - Contracts for certain services.....	252
§52-607. Fees and costs.....	255
§52-608. Hearing relating to act or enforcement - Entities that may initiate - Jurisdiction - Time and place - Notice.....	256
§52-609. Powers and authority of Commission.....	256
§52-610. Violations - Fines and penalties - Collection of fines.....	256
§52-611. Injunctions.....	257
§52-612. Nonresident transferees - Service of process.....	257
§52-613. Statute of limitations.....	258
§52-614. Application of act.....	258
§52-700. Repealed by Laws 2013, c. 199, § 6, eff. July 1, 2013.....	258
§52-701. Repealed by Laws 2013, c. 199, § 6, eff. July 1, 2013.....	258
§52-702. Repealed by Laws 2013, c. 199, § 6, eff. July 1, 2013.....	258
§52-703. Renumbered as Title 52, § 288.5D by Laws 2013, c. 199, § 7, eff. July 1, 2013.....	258
§52-704. Renumbered as Title 52, § 288.5E by Laws 2013, c. 199, § 7, eff. July 1, 2013.....	258
§52-705. Repealed by Laws 2013, c. 199, § 6, eff. July 1, 2013.....	258
§52-706. Repealed by Laws 2013, c. 199, § 6, eff. July 1, 2013.....	258
§52-707. Repealed by Laws 2013, c. 199, § 6, eff. July 1, 2013.....	258
§52-801. Exploration Rights Act of 2011.....	258
§52-802. Definitions.....	259
§52-803. Surface estate - Interference with solar energy agreement - Notice.....	260

transportation of any of the products or equipment covered by the Oklahoma Liquefied Petroleum Gas Regulation Act.

2. Each appointee shall, by education, training and experience, be qualified and competent to perform the duties imposed upon them pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act, which for:

- a. the Administrator shall include at least two (2) years' experience in positions of managerial responsibility or two (2) years' experience as a liquefied petroleum gas safety code enforcement officer,
- b. the chief deputy administrator and deputy administrators shall include at least one and one-half (1 1/2) years of such experience, and
- c. the safety code enforcement officers shall include at least two (2) years' experience in actual physical installation or inspection of liquefied petroleum gas systems, containers, apparatus or appliances, or installations thereof, and/or the ability to enforce the rules and regulations.

3. Before entering upon their duties, appointees shall take the constitutional oath of office.

D. In the event of a vacancy in the office of Administrator, or in the event of the absence or disability of the Administrator, the chief deputy administrator is hereby empowered and authorized to perform the duties of the Administrator during the time of such vacancy, absence or disability.

Added by Laws 1953, p. 219, § 2, emerg. eff. June 30, 1953. Amended by Laws 1975, c. 104, § 5, emerg. eff. May 2, 1975; Laws 1980, c. 347, § 3, emerg. eff. June 17, 1980; Laws 1999, c. 366, § 2, eff. July 1, 1999; Laws 2002, c. 202, § 1, eff. July 1, 2002; Laws 2006, c. 143, § 1, emerg. eff. May 10, 2006; Laws 2018, c. 177, § 1, emerg. eff. May 2, 2018.

§52-420.3. Oklahoma Liquefied Petroleum Gas Board.

A. There is hereby re-created the Oklahoma Liquefied Petroleum Gas Board, hereinafter sometimes referred to as "LP-Gas Board" or "Board". The Board shall be composed of seven (7) members, one each from the southeastern, northeastern, northwestern and southwestern quarters of the state, one from central Oklahoma, and two from the state at large. Each appointment shall be made by the Governor, from a list of three or more nominees who have certified in writing their willingness to serve, to be submitted to him by the persons, firms or corporations required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, or by their representatives, and shall be subject to confirmation by the Senate.

B. No person shall be appointed as a member of the Board unless at the time of his or her appointment he or she has been a legal resident of the State of Oklahoma for at least five (5) years preceding the date of his or her appointment and, except for the two members at large, shall have actively engaged in the retail distribution of liquefied petroleum gas in Oklahoma for a period of one (1) year, or more. One of the members at large shall be engaged in and representative of the container and appliance phases of the LPG business in Oklahoma, and the other shall have a general familiarity with the regulatory problems of the industry and the consuming public. Provided, however, that the appointment of such public member shall not be subject to the aforementioned list which is required to be submitted to the Governor. Members shall be eligible for reappointment for successive terms, and shall be removable for cause by the Governor. A member shall automatically be disqualified to hold such office in event he or she ceases to be a legal resident of the State of Oklahoma or ceases to be actively engaged in the LPG business in Oklahoma.

C. Re-creation shall not alter existing membership or terms of office. Members shall serve until their successors in office are duly appointed and qualified. Initial appointments of those members of the Board from the designated geographical areas of the state shall be for terms ranging from one (1) to five (5) years, the Governor to designate same, and the initial terms of office of the members at large on the Board shall be for one (1) and two (2) years, respectively, as designated by the Governor. Thereafter, the terms of all members shall be for four (4) years. In the event of the death, resignation, disqualification or incapacity of one or more members of the Board, a recess appointment for the unexpired term of each such member may be made by the Governor as hereinabove provided. Members of the Board shall be entitled to be reimbursed for necessary travel expenses as provided in the State Travel Reimbursement Act.

D. The Board shall organize by electing one of its members as chairman and one member as vice-chairman. The Board shall hold regular meetings. The date, time and place of any regular meeting shall be as designated by vote of the majority of the membership. Four members of the Board shall constitute a quorum for all purposes. The chairman or vice-chairman may, upon approval of a majority of the members present and voting at any meeting, designate the time, place and date of any scheduled special meeting, and the chairman or vice-chairman shall have the power to call an unscheduled special meeting of the Board upon not less than five (5) days' notice in writing to each member thereof.

E. The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association and published in Pamphlet No. 58 including current and subsequent editions and any subsequent changes and/or additions to the pamphlet,

and the standards for the installation of gas appliances and gas piping adopted by the National Fire Protection Association and published in Pamphlet No. 54 including the current and any subsequent editions and any subsequent changes and/or additions to the pamphlet shall be the accepted standards for this state. The Board is hereby empowered and authorized, and it shall be its duty to prescribe, adopt and promulgate, in the manner set forth in Section 420.1 et seq. of this title, rules relating to safety in the storage, distribution, dispensing, transporting and utilization of LPG in this state and in the manufacture, fabrication, assembly, sale, installation or use in this state of LPG systems, containers, apparatus or appliances, and reasonable rules governing the issuance of such permits and operations thereunder, and not inconsistent with the Oklahoma Liquefied Petroleum Gas Regulation Act, as it shall deem just and reasonable, and to revoke, amend or supersede such supplementary rules.

F. The Administrator shall administer and enforce all rules formulated and adopted by the Board and administer and enforce the safety rules prescribed, adopted or promulgated by the Board under and by virtue of the provisions of the Oklahoma Liquefied Petroleum Gas Regulation Act, and incur all necessary expenditures in effectuating the purposes of this subsection. The Administrator shall serve as secretary to the Board, and shall be subject to confirmation by the Senate.

G. Before any rules are revised, amended, adopted or promulgated hereunder, the Administrator, acting on behalf of the Board, shall give ten (10) days' notice to all Class I and Class II permit holders under the Oklahoma Liquefied Petroleum Gas Regulation Act, by mailing to the permit holders a written notice, signed by the Administrator, on behalf of the Board, containing either a statement of the terms or substance of the intended action, a description of the subjects and issues involved, or an accurate copy of the new, revised or amended rules which the Board proposes to adopt and promulgate, stating the date, time and place of a public hearing at which oral or written objections to such proposals shall be heard and considered. Notice shall also be given as required by the Administrative Procedures Act. Nothing in this subsection shall prevent the furnishing of such other or additional notice as the Board shall direct.

H. At any hearing held under this section, not less than a quorum of the Board shall be present and shall preside; provided, however, that by unanimous vote and resolution, the Board may authorize the Administrator to preside at any or all such hearings, and in such event no Board member need be present. After any such hearing the Board may, by majority vote, adopt any proposed new, revised or amended rules with such amendments and modifications thereof as the the Board shall deem just and reasonable, and a

certificate reciting such adoption and the effective date thereof shall be signed by the members comprising the majority of the Board. Added by Laws 1953, p. 220, § 3, emerg. eff. June 30, 1953. Amended by Laws 1957, p. 451, § 1; Laws 1963, c. 216, § 1, emerg. eff. June 11, 1963; Laws 1965, c. 127, § 1, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 1; Laws 1975, c. 104, § 6, emerg. eff. May 2, 1975; Laws 1980, c. 236, § 1, eff. July 1, 1980; Laws 1983, c. 333, § 16, emerg. eff. June 29, 1983; Laws 1985, c. 178, § 24, operative July 1, 1985; Laws 1994, c. 330, § 1, emerg. eff. June 8, 1994; Laws 1997, c. 234, § 1, eff. Nov. 1, 1997; Laws 2018, c. 177, § 2, emerg. eff. May 2, 2018.

§52-420.3A. Liability of sellers, suppliers, handlers, or transporters of liquified petroleum gas.

A. A person is not liable for damages and no legal action shall be commenced or maintained against such person engaged in this state in the business of selling at retail, supplying, handling, or transporting liquefied petroleum gas if the alleged injury, damage, or loss was caused by:

1. The alteration, modification, or repair of liquefied petroleum gas equipment, containers, or a liquefied petroleum gas appliance if the alteration, modification, or repair was done without the knowledge and consent of the liquefied petroleum gas seller, supplier, handler, or transporter; and

2. The liquefied petroleum gas equipment, containers, or a liquefied petroleum gas appliance being used in a manner or for a purpose other than that for which the equipment or appliance was intended.

B. This section shall apply only to a person who complies with the approved standards and rules as outlined in subsection E of Section 420.3 of this title and who has not acted in a grossly negligent or willful and wanton manner.

Added by Laws 1994, c. 330, § 2, emerg. eff. June 8, 1994. Amended by Laws 1999, c. 366, § 3, eff. July 1, 1999; Laws 2006, c. 143, § 2, emerg. eff. May 10, 2006.

§52-420.4. Registration permits - Fees - Insurance requirements.

A. No person, firm or corporation shall manufacture, fabricate, assemble or install in this state any system, container, apparatus or appliance used or to be used in this state in or for the transportation, storage, dispensing or utilization of LPG, nor shall any transporter, distributor or retailer of LPG store, dispense or transport over the highways of this state any LPG intended for use in this state in any such system, container, apparatus or appliance, without having first applied for and obtained a registration permit to do so. A permit shall not be required by any person, firm or corporation engaged in the production or manufacture of LPG, or

selling or reselling LPG to transporters, processors, distributors or retailers, nor by any person, firm or corporation selling or delivering motor vehicles or tractors which are factory equipped with an LPG system, container, apparatus or appliance for the utilization of LPG as motor fuel. The provisions of this section shall not prevent an individual from installing in his or her own single-unit residence any system, container, apparatus or appliance which uses or will utilize LPG, provided that such individual has secured an inspection of the installation by the Administrator or someone designated by the Administrator or by a person duly licensed to make such an installation prior to the use of the system, container, apparatus or appliance. Applications for registration permits shall be in writing, on a form provided by the Board, and shall contain such pertinent information as is required by the Board. Upon approval of each application and receipt of the certificates of insurance or securities required by the provisions of this section, the Administrator shall issue to the applicant a permit to engage in the phase of the LPG industry in this state to which such permit applies. No permit other than the Class I Dealer Permit shall be transferable. The Board is authorized to establish a fee for the transfer of a Class I Permit. Nothing in Sections 420.1 through 420.15 of this title shall be construed to regulate the manufacturing, fabrication, assembling, selling or installing of any system, container, apparatus or appliance having a fuel container with a maximum individual water capacity of less than two and one-half (2 1/2) pounds.

B. 1. The Board is authorized to establish an annual permit fee for the issuance of each class of permit listed in subsection C of this section.

2. All such registration permits shall expire annually with no permit extending longer than one (1) calendar year. The expiration dates shall be set by the Board in the rules. The Administrator may issue a semiannual permit to applicants engaging in the business within six (6) months or less of the annual renewal date. A semiannual permit shall expire on the following annual expiration date. The fee for a semiannual permit shall be one-half (1/2) that of the fee of the annual permit. All registration permits required pursuant to the provisions of this section shall be renewed upon payment of the annual fees on or before the expiration of the registration permit, and upon fulfilling all insurance requirements. The Board is authorized to establish necessary penalty provisions required to ensure prompt payment of the annual fees.

3. The Board is authorized to establish specifications which set forth the scope of authority for each class of permits.

4. The Board is authorized to establish an initial permit fee for the issuance of Class I and Class II permits to any person, firm or corporation for the first time.

C. Persons, firms and corporations required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, at the time of issuance of each permit, shall pay to the Administrator the initial permit fee, if applicable, and any annual fee that is applicable to the following permit classes:

1. Class I - Dealer Permit;
2. Class II - Truck Transporter Permit;
3. Class III - DOT Cylinder Transporter Permit;
4. Class IV - Installer Permit;
5. Class IV-D - Driver/Installer Permit;
6. Class VI - DOT Cylinder and/or LPG Motor Fuel Station;
7. Class VI-A - LPG Dispensing Permit;
8. Class VII - Cylinder Exchange Program Permit;
9. Class IX - LPG Container Sales Permit;
10. Class IX-A - Manufactured Homes and Recreation Sales Permit;

and

11. Class X - Manager's Permit.

D. 1. Each person, firm or corporation holding a permit authorizing the use of an LPG bulk delivery truck or trailer shall pay at the time of inspection an annual inspection fee in an amount as established by the Board for each delivery truck or trailer belonging to the person, firm or corporation. Each person, firm or corporation who does not hold a permit issued by the Board authorizing the use of an LPG bulk delivery truck or trailer in the state shall pay an annual inspection fee in an amount as established by the Board for each such truck or trailer belonging to person, firm or corporation being used to dispense or transport LPG in the state.

2. The inspection fee shall increase to an amount established by the Board per vehicle if the inspection is not completed within sixty (60) days of the expiration date, or at a later date at the discretion of the Administrator.

E. Any LPG bulk delivery truck or trailer failing to be approved at its annual inspection shall be assessed a fee in an amount as established by the Board at the time that it is reinspected.

F. The fees provided for in this section shall be applicable to residents and nonresidents of Oklahoma.

G. The Board is authorized to approve or disapprove applications for registration permits to distributors and retailers of LPG and managers of LPG establishments. The Administrator is authorized to approve or disapprove all other applications for registration permits that may be issued pursuant to the provisions of this section.

1. No application shall be approved by the Administrator unless the Administrator is satisfied that the applicant by written examination has shown a working knowledge of the safety requirements provided by the rules of the Board.

2. No application shall be approved by the Board unless the Board is satisfied by adequate written examination of the applicant,

or the individual who is or shall be directly responsible for actively supervising the operations of such applicant which is a partnership, firm or corporation, that the applicant or such individual has a working knowledge of the safety requirements provided by the rules of the Board. The Board shall cause to be held public hearings on the second Monday in the months of January, April, July and October of each year on all applications for new registration permits required by the provisions of this section, or upon such other occasions as the Board may deem necessary. Notice of each hearing shall be mailed to each such applicant and shall be posted in a conspicuous place in the Office of the Administrator in Oklahoma City, Oklahoma, at least thirty (30) days prior to the date of the hearing. The notice shall include the name, address, permit class and business location of each applicant whose application is to be considered at the hearing. The applicant, or the individual who is or shall be directly responsible for and actively supervising the operations of the applicant, may be present at the hearing. If, after the public hearing, an applicant is found by the Board to have a working knowledge of the safety requirements provided by the rules and regulations of the Board, the Board shall cause an order to that effect to be entered upon its records and the application shall be approved. In the event an applicant fails to qualify, the fact shall be entered upon the Board's records.

3. The Board shall charge a fee, in an amount established by the Board, for testing materials and the expense of holding the examinations provided for in this section. The fee shall be paid upon filing an application for any permit.

H. A registration permit shall not be issued to any applicant unless the Administrator has received certificates of insurance or security as required by this section.

I. Except as otherwise provided for in this section, all persons, firms or corporations engaged in the business of manufacturing, fabricating, assembling or installing any LPG system, container, apparatus or appliance in this state, and required to be registered pursuant to the provisions of Sections 420.1 through 420.15 of this title, shall file with the Administrator a certificate indicating liability insurance coverage for the manufacturer and contractor. The Board is authorized to establish coverage amounts for each class of permit, provided coverage shall be for an amount of not less than Twenty-five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than Twenty-five Thousand Dollars (\$25,000.00) for property damage, and shall be in full force and effect, covering the plant, equipment and motor vehicles used in such business, and the operations of the business.

J. Except as otherwise provided for in this section, all transporters, distributors, or retailers of LPG in this state,

required to be registered pursuant to Sections 420.1 through 420.15 of this title, shall file with the Administrator a certificate indicating that public liability and property damage insurance coverage has been issued. The Board is authorized to establish coverage amounts for each class of permit, provided coverage shall be for an amount of not less than Twenty-five Thousand Dollars (\$25,000.00) to Fifty Thousand Dollars (\$50,000.00) for bodily injury and limits of not less than Twenty-five Thousand Dollars (\$25,000.00) for property damage has been issued, and is in full force and effect, covering the plant, equipment, and motor vehicles used in such business, and the operations of the business.

K. Insurance pursuant to the provisions of this section shall be maintained in full force and effect during the operation of the business for which the coverage was issued. Except as otherwise provided for in this section, no registration permit shall be issued until the certificate is filed with the Administrator. No insurance coverage shall be canceled or terminated without thirty (30) days prior written notice of cancellation or termination to the Administrator.

L. The Board is authorized, upon proof of or a satisfactory showing that any person, firm or corporation is financially able to pay or satisfy any judgment, claim or demand against the person, firm or corporation, to waive the insurance coverage required by this section. The Board, in lieu of the certificate, may require the deposit, with the Administrator, of securities, or satisfactory indemnity bond, in an amount and of a kind designated by the Board, to secure the liability of such person, firm or corporation to pay any judgment, claim or demand. The security shall not be in excess of the limits set forth in this section. If the Board deems the financial status of such person, firm or corporation to be impaired so as to reduce the ability of such person, firm or corporation to make payment or to satisfy any judgment, claim or demand, the Board may revoke the waiver and require the person, firm or corporation to file certificates required by this section within thirty (30) days after written notice is sent by the Board to the person, firm or corporation.

Added by Laws 1953, p. 222, § 4, emerg. eff. June 30, 1953. Amended by Laws 1955, p. 285, § 1, emerg. eff. June 3, 1955; Laws 1957, p. 451, § 2; Laws 1959, p. 218, § 1; Laws 1963, c. 216, § 2, emerg. eff. June 11, 1963; Laws 1965, c. 127, § 2, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 2; Laws 1975, c. 104, § 7, emerg. eff. May 2, 1975; Laws 1976, c. 101, § 5, emerg. eff. May 11, 1976; Laws 1980, c. 236, § 2, eff. July 1, 1980; Laws 1981, c. 118, § 26, eff. Oct. 1, 1981; Laws 1983, c. 216, § 5, operative July 1, 1983; Laws 1989, c. 369, § 114, operative July 1, 1989; Laws 1991, c. 215, § 19, eff. July 1, 1991; Laws 1994, c. 330, § 3, emerg. eff. June 8, 1994; Laws 1997, c. 234, § 2, eff. Nov. 1, 1997; Laws 2002, c. 202, § 2, eff. July 1,

2002; Laws 2003, c. 395, § 1, emerg. eff. June 5, 2003; Laws 2006, c. 143, § 3, emerg. eff. May 10, 2006; Laws 2015, c. 95, § 1, eff. Nov. 1, 2015; Laws 2018, c. 177, § 3, emerg. eff. May 2, 2018.

§52-420.5. Fees on sale, purchase, rental and/or use of refillable cylinders and containers - Penalties.

A. The Board is authorized to establish a fee, to be paid to the Administrator, upon the sale, purchase, rental and/or use in this state of liquefied petroleum gas refillable cylinders and all other liquefied petroleum gas containers.

B. Each manufacturer of LP-Gas containers in Oklahoma, each vendor of containers manufactured without the state, and each person, firm or corporation placing any LPG container or cylinder in use in this state shall pay the applicable fee. For vendors of containers manufactured without this state, the fee or fees shall apply and become due upon delivery to the vendors, or for their account, within the state, of containers or cylinders purchased without the state. In no event shall the fees herein levied be paid or become payable on any container or cylinder sold, rented, purchased or placed in use in this state prior to the effective date of this act, or more than once on any container or cylinder, or upon any container or cylinder resold, rerented, repurchased or reused in this state. The Administrator is authorized to refund or credit fees upon containers sold without the state upon which the fees have previously been paid, or any fees which have erroneously been paid, upon written application supported by affidavit setting forth the basis for such refund. The Administrator is authorized to adopt a system of identification of containers on which the fees herein levied have been paid.

C. No person, firm or corporation shall use or install in this state any container or cylinder upon which the applicable fee levied above applies and has not been paid. In case of failure to pay within the specified time, there shall be assessed a penalty of twenty-five percent (25%), which shall be added to the applicable fee.

Added by Laws 1953, p. 223, § 5, emerg. eff. June 30, 1953. Amended by Laws 1981, c. 247, § 6, emerg. eff. June 25, 1981; Laws 1993, c. 270, § 52, eff. Sept. 1, 1993; Laws 2003, c. 395, § 2, emerg. eff. June 5, 2003; Laws 2006, c. 143, § 4, emerg. eff. May 10, 2006.

§52-420.6. Suspension or revocation of registration permits - Appeals - Rules governing sale or transfer.

A. The State Liquefied Petroleum Gas Administrator is authorized to suspend or revoke any registration permit issued by the Oklahoma Liquefied Petroleum Gas Board or impose an administrative penalty, 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 the Oklahoma Liquefied Petroleum Gas Regulation Act, any rules or specifications promulgated or any order issued thereto, or has delivered a lesser quantity of gas than the registrant bills the customer for with intent to defraud.

B. 1. Upon the motion of the Administrator, or upon the receipt of written complaint from any member of the Board, or from any deputy administrator or safety code enforcement officer, that a registrant has violated or is violating or has failed or is failing to comply with any of the provisions of the Oklahoma Liquefied Petroleum Gas Regulation Act, the rules, or specifications promulgated or any order issued thereto, the Administrator is authorized and it shall be the duty of the Administrator to hold an administrative hearing pursuant to Article II of the Administrative Procedures Act to consider such complaint.

2. The Administrator shall have the power to conduct investigations; to summon and compel the attendance at such hearing of witnesses; to require the production of any records or documents pertinent to the subject matter of any investigation or hearing; and to provide for the taking of depositions of witnesses.

3. Notice of the date, time and place of any such hearing 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.

C. If the Administrator finds at the hearing that the registrant has violated or is violating or has failed or is failing to comply with any provision of the Oklahoma Liquefied Petroleum Gas Regulation Act or such rules, specifications or any order issued thereto, 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 an administrative penalty of not more than One Thousand Dollars (\$1,000.00) for each separate offense. Any administrative penalty imposed pursuant to this section shall be deposited into the Liquefied Petroleum Gas Fund, created pursuant to Section 420.11 of this title.

D. 1. The Administrator's findings, judgment and order shall be reduced to writing and be recorded in a permanent public record to be retained in the office of the Administrator. Copies shall be furnished to the registrant complained against and to the Board.

2. Any registrant who has been assessed an administrative penalty or whose registration permit is suspended or revoked by the Administrator may, pursuant to Section 317 of Title 75 of the Oklahoma Statutes, file for a rehearing, reopening or reconsideration by the Board. The registrant shall be given the opportunity to

request a de novo hearing by the Board. Such decision by the Board shall constitute final action by the Board.

3. Any registrant who has been assessed an administrative penalty or whose registration permit has been suspended or revoked upon review by the Board may, within thirty (30) days after such filing, suspension or revocation, 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.

E. 1. Except for an emergency as determined by the Board upon the filing of a request for a rehearing, reopening or reconsideration or as determined by the court upon an appeal for judicial review of the order, enforcement of the Administrator's order shall be stayed pending final disposition of such rehearing or appeal.

2. Upon affirmance, the order shall become final and conclusive and the stay of enforcement shall be vacated.

F. The Board shall promulgate reasonable rules governing the sale or transfer of business, facilities or a permit connected with or to be used in operations subject to regulation pursuant to the Oklahoma Liquefied Petroleum Gas Regulation Act.

Added by Laws 1953, p. 224, § 6, emerg. eff. June 30, 1953. Amended by Laws 1965, c. 127, § 3, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 3; Laws 1997, c. 234, § 3, eff. Nov. 1, 1997; Laws 1998, c. 67, § 1, eff. July 1, 1998; Laws 1999, c. 366, § 4, eff. July 1, 1999; Laws 2002, c. 202, § 3, eff. July 1, 2002; Laws 2006, c. 143, § 5, emerg. eff. May 10, 2006; Laws 2018, c. 177, § 4, emerg. eff. May 2, 2018.

§52-420.7. Inspections - Proving metering systems - Display of permit - Complaints and arrests - Condemnation of systems and appliances - Duties of Attorney General.

A. It shall be the duty of the Administrator to inspect, or to provide for the inspection of, any LPG systems, containers, apparatus, or appliances installed in this state, and any LPG bulk-delivery trucks or trailers used in this state, whenever in the discretion of the Administrator, any deputy, or any safety code enforcement officer such inspection is necessary to effectuate the purposes of this act. The Administrator and any deputy or safety code enforcement officer are hereby severally empowered and authorized to enter upon any premises where any such installation is being or has been made to conduct such inspection.

B. The Administrator, under the direction of the Board, shall require proving of metering system to determine the accuracy to be within the manufacturer's tolerance not to exceed plus or minus one percent (1%) at any time. The LPG liquid meter system shall be designed and constructed to provide for applying lead-and-wire seals in such a manner that no modifications or adjustments which would

affect the accuracy of deliveries, can be made without mutilating the seal or seals.

C. Every person to whom the Board or the Administrator issues a registration permit as herein provided shall have immediate possession of the permit at all times when engaged in that phase of the LPG business for which the same was issued and shall display the same upon demand of the Administrator, the chief deputy administrator, or any deputy administrator or safety code enforcement officer.

D. The Administrator and the chief deputy administrator, and such deputies and safety code enforcement officers as the Administrator shall by appropriate written commission appoint, shall have all of the powers and authority of peace officers of this state in making arrests for violations of this act or the safety rules promulgated thereunder, or in serving any process, notice or order connected with the enforcement of this act issued by the Administrator.

E. The Administrator, the chief deputy administrator and any deputy administrator or safety code enforcement officer are hereby empowered and authorized to sign complaints against and to cause the arrest of any person charged with a violation or violations of this act or the safety rules promulgated thereunder. In the event the district attorney fails or refuses to draw or endorse any complaint submitted to the district attorney and the complainant, whether it be the Administrator, the chief deputy administrator or any deputy administrator or safety code enforcement officer, desires to secure prosecution of the complaint, then and in that event any court of competent jurisdiction shall be authorized to issue a warrant for the arrest of the person charged in the complaint and the complainant shall not be required to file with the court the bond provided to be filed with and approved by the court in Sections 231 through 233 of Title 22 of the Oklahoma Statutes.

F. The Administrator and any deputy or safety code enforcement officer are hereby severally empowered and authorized to condemn any liquefied petroleum gas system, container, apparatus or appliance in this state not manufactured, fabricated, assembled or installed in accordance with the safety rules adopted or promulgated under this act, and shall have the authority to forbid the use of any such system, container, apparatus or appliance unless and until the same have been made to comply in all respects with such safety rules.

G. The Administrator is hereby empowered and authorized to inspect or cause the inspection of the records of any person, firm or corporation pertaining to the installation by such person, firm or corporation of liquefied petroleum gas systems, containers, apparatus or appliances in this state.

H. The Attorney General of the State of Oklahoma shall appear and represent the Administrator and the Board and members thereof, or

any of them, in all litigation or other proceedings that may arise in the discharge of duties and shall, at the request of the Administrator, assist the district attorney in prosecuting charges of violations of this act.

Added by Laws 1953, p. 225, § 7, emerg. eff. June 30, 1953. Amended by Laws 1965, c. 127, § 4, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 4; Laws 1980, c. 236, § 3, eff. July 1, 1980; Laws 1994, c. 330, § 4, emerg. eff. June 8, 1994; Laws 2002, c. 202, § 4, eff. July 1, 2002.

§52-420.8. Violations of law or rule.

Any person, firm or corporation violating any of the provisions of Section 420.1 et seq. of this title, or any rule promulgated thereunder, or installing in this state any liquefied petroleum gas system or appliance which does not comply with such safety rules shall be guilty of a misdemeanor, and upon conviction thereof such person or the responsible members of such firm, or the responsible officers of such corporation, shall, in addition to any fine imposed by the Administrator pursuant to Section 420.6 of this title, be punished by a fine of not less than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1953, p. 225, § 8, emerg. eff. June 30, 1953. Amended by Laws 1965, c. 127, § 5, emerg. eff. May 24, 1965; Laws 1971, c. 351, § 5; Laws 1994, c. 330, § 5, emerg. eff. June 8, 1994; Laws 1997, c. 234, § 4, eff. Nov. 1, 1997.

§52-420.9. Specifications for commercial propane, butane and mixtures - Identification of vehicles - Motor carriers - Transportation out of state - Retail deliveries.

A. All liquefied petroleum gases designated as commercial propane, commercial butane or mixtures thereof, sold for consumption in this state, shall, when subjected to the test methods of the Gas Processors Association of America, meet applicable specifications adopted as tentative standards by the Association for the particular product sold.

B. All vehicles used in hauling or transporting liquefied petroleum gases upon the highways of this state shall be identified in such manner as the Administrator may, by rule, prescribe.

C. The Department of Public Safety of the State of Oklahoma shall cooperate with the Administrator in the enforcement of the provisions of this section, and the rules promulgated thereunder.

D. Transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act shall not be required to obtain or possess an intrastate motor carrier or

private carrier license issued by the Oklahoma Corporation Commission.

E. Containers shall be filled or used only upon authorization of the fee simple owner. The name of the fee simple owner, if other than the consumer, shall be conspicuously shown on the container.

F. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product. During the actual transfer of liquids into containers at domestic type dwellings and installations, the attendant shall not enter into any type of enclosure including but not limited to truck cabs, dwellings and barns and shall maintain visual contact with the liquid level gauge at all times.

Added by Laws 1953, p. 225, § 9, emerg. eff. June 30, 1953. Amended by Laws 1955, p. 287, § 2, emerg. eff. June 3, 1955; Laws 1965, c. 127, § 6, emerg. eff. May 24, 1965; Laws 1994, c. 330, § 6, emerg. eff. June 8, 1994; Laws 1999, c. 366, § 5, eff. July 1, 1999; Laws 2018, c. 177, § 5, emerg. eff. May 2, 2018.

§52-420.10. Appointment of administrative staff.

The Administrator is empowered and authorized to appoint from time to time such administrative staff as the Administrator reasonably determines is necessary to assist the Administrator and the Board in the performance of their functions.

Added by Laws 1953, p. 226, § 10, emerg. eff. June 30, 1953. Amended by Laws 1998, c. 67, § 2, eff. July 1, 1998.

§52-420.11. Disposition of funds and fees - Annual report - Liquefied Petroleum Gas Fund - Expenditures.

A. All funds and fees, from whatsoever source derived, collected by the Administrator under the provisions of Section 420.1 et seq. of this title, shall be deposited into the Liquefied Petroleum Gas Fund, created in this section. Effective July 1, 2004, and for each fiscal year thereafter, the Administrator shall deposit ten percent (10%) of the total amount collected from fees and funds by the Administrator to the credit of the General Revenue Fund of the State Treasury. The Administrator and the Board are hereby vested and empowered with the authority to make any and all necessary expenditures from the fund that in their judgment are reasonable and required to effectuate the purposes of this act. The Administrator shall annually file with the Governor a report of all activities of the fund, which shall include a statement of all receipts and disbursements.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Liquefied Petroleum Gas Board to be designated the Liquefied Petroleum Gas Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Liquefied Petroleum Gas Board as provided for in this

section. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. Section 211 of Title 62 of the Oklahoma Statutes shall not apply to the funds and fees collected by the Liquefied Petroleum Gas Board.

Added by Laws 1953, p. 226, § 11, emerg. eff. June 30, 1953. Amended by Laws 1979, c. 47, § 20, emerg. eff. April 9, 1979; Laws 1984, c. 289, § 4, operative July 1, 1984; Laws 2003, c. 395, § 3, emerg. eff. June 5, 2003; Laws 2005, c. 349, § 1, emerg. eff. June 6, 2005; Laws 2012, c. 304, § 218.

§52-420.12. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§52-420.13. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§52-420.14. Nonresidents - Prohibition on storage or dispensing.

The State Liquefied Petroleum Gas Administrator shall not issue or renew any registration permit or license to any person, firm, or corporation who is a resident of, or whose principal place of business is located in, a state other than Oklahoma unless the laws of such other state, and the rules and regulations of the authority governing the storage and dispensing of liquefied petroleum gas permit the operation of such business by citizens, firms, or corporations of Oklahoma under the same or substantially similar terms and conditions as those required for such operation in this state.

Added by Laws 1963, c. 27, § 1, emerg. eff. March 26, 1963.

§52-420.15. Safety schools for liquefied petroleum dealers.

The LP-Gas Board shall provide for the holding of safety schools for the benefit of the liquefied petroleum gas dealers and employees in the State of Oklahoma, at such times and in such places as may be deemed advisable and may, by lawfully adopted rules, require attendance and successful completion of courses held as a condition precedent to retaining permits issued hereunder. The Administrator shall perform such duties in connection with those schools as the Board might direct.

Added by Laws 1967, c. 183, § 1, emerg. eff. May 1, 1967. Amended by Laws 1971, c. 351, § 6.

§52-420.16. Repealed by Laws 1975, c. 104, § 9, emerg. eff. May 2, 1975.

§52-420.17. Inspectors' uniforms - Maintenance and cleaning allowance.

An expense allowance of Fifty Dollars (\$50.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to safety code enforcement officers. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the Liquefied Petroleum Gas Board on the effective date of this act.

Added by Laws 1993, c. 185, § 2, eff. Sept. 1, 1993. Amended by Laws 2002, c. 202, § 5, eff. July 1, 2002.

§52-420.20. Short title.

This act shall be known and may be cited as the "Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act".

Added by Laws 1994, c. 146, § 1, eff. July 1, 1994.

§52-420.21. Definitions.

As used in the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act:

1. "Commission" means the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission;

2. "Cargo container" means any receptacle mounted on a transport vehicle, including a bobtail or semitrailer designed and used for the transportation or storage of liquefied petroleum gas, but shall not include the motor fuel tank of the vehicle;

3. "First sale" means the first transaction within the State of Oklahoma in which ownership of odorized liquefied petroleum gas transfers from seller to purchaser;

4. "Importer" means the owner of odorized liquefied petroleum gas (LP gas) at the time of entry into this state from another state or from outside the United States;

5. "Liquefied petroleum gas (LP gas)" means any material that is composed predominantly of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, normal butane, isobutane or butylenes;

6. "Loading rack" means any material handling facility where LP gas is loaded into cargo containers, including, but not limited to, gas processing plants, refineries, underground and aboveground bulk storage facilities, pipeline terminals and unattended LP gas dispensing facilities;

7. "Loading rack operator" means the owner or any person or entity controlling the day-to-day operations of the facility. When this person or entity is not the person or entity invoicing the first sale of odorized LP gas dispensed into a cargo container at a loading rack, the person or entity invoicing the first sale of odorized LP

gas dispensed into a cargo container at a loading rack shall be considered the loading rack operator;

8. "Person" means any individual, group of individuals, or any partnership, corporation, association, cooperative, or employee thereof, or any other entity; and

9. "Time of import" means the time of entry into the State of Oklahoma from another state or from outside the United States.

Added by Laws 1994, c. 146, § 2, eff. July 1, 1994. Amended by Laws 1995, c. 303, § 1, eff. July 1, 1995; Laws 1998, c. 91, § 1, eff. Nov. 1, 1998; Laws 2002, c. 202, § 6, eff. July 1, 2002.

§52-420.22. Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission - Creation.

A. There is hereby created until July 1, 2015, the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission which shall be subject to the provisions of the Oklahoma Sunset Law. The purpose of the Commission is to coordinate marketing and research activities of the LP gas industry and to promote safety through programs and education.

B. The Commission shall be subject to review and termination under the Oklahoma Sunset Law prior to July 1, 2012, if at least fifty-one percent (51%) of all Class I LP gas permit holders in the state sign a petition requesting such a review. The petition shall be submitted to the House of Representatives and State Senate committees responsible for sunset review.

Added by Laws 1994, c. 146, § 3, eff. July 1, 1994. Amended by Laws 2000, c. 22, § 1; Laws 2006, c. 41, § 1; Laws 2012, c. 273, § 1.

§52-420.23. Commission membership - Appointment - Qualifications - Geographical distribution - Employment - Term of office - Vacancies - Chairperson - Travel reimbursement.

A. The Liquefied Petroleum Gas Research, Marketing and Safety Commission shall be composed of at least twelve (12) members. The twelve members shall be LP gas dealers who are holders of a permit from the State Liquefied Petroleum Gas Administration; four to be appointed by the Governor, four to be appointed by the President Pro Tempore of the Senate and four to be appointed by the Speaker of the House of Representatives. The Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives shall make appointments of the LP gas dealers from a list of names submitted by the Oklahoma Propane Gas Association.

B. The members of the Commission shall:

1. Be at least twenty-five (25) years of age;
2. Be a resident of the State of Oklahoma; and
3. Have at least five (5) years of active experience in the LP gas industry.

C. The membership of the Commission shall be distributed geographically so that each quadrant of the state is represented equally. Each appointing authority shall make one appointment from each quadrant of the state. The boundaries of the quadrants shall be Interstate 35 and Interstate 40. A person shall be considered as representing a quadrant of the state if the person's permanent residence is located in the quadrant.

D. Not more than two members of the Commission shall be employed by or represent the same person, business, corporation or entity or any subsidiary of an entity.

E. The initial term of office for members of the Commission shall be as follows: three members for one (1) year, three members for two (2) years and six members for three (3) years.

For the initial appointments which shall be made by September 1, 1994, each appointing authority shall make one appointment for a one-year term, one appointment for a two-year term and two appointments for three-year terms. Thereafter, the terms of the members shall be for three (3) years.

F. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. The dealer members may be removed from office by a majority vote of the three appointing authorities in a manner as provided by law.

G. After October 1, 1994, the members of the Commission appointed pursuant to subsection A of this section may by majority vote appoint a maximum of three members representing companies which provide goods and services to propane dealers. These additional members shall have full voting rights and privileges and will serve three-year terms. They may be removed from the Commission by a majority vote of the LP gas dealer members of the Commission appointed pursuant to subsection A of this section.

H. The Commission shall at its first meeting elect one of its members as chairperson, who shall preside over meetings of the Commission and perform any other duties as may be required by the Commission.

I. No member of the Commission shall receive a salary or reimbursement for duties performed as a member of the Commission, however members are eligible to receive travel reimbursement as provided in the State Travel Reimbursement Act.

Added by Laws 1994, c. 146, § 4, eff. July 1, 1994.

§52-420.24. Commission powers and duties.

The Commission shall have the power and duty to:

1. Administer and enforce the provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act;
2. Establish an office for the Commission within the State of Oklahoma;

3. Elect a chairperson and whatever other officers may be necessary to direct operations of the Commission;

4. Employ personnel as shall be deemed necessary to carry out the purpose and provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and to prescribe their duties and fix their compensation;

5. Establish and administer the LP Gas Research, Marketing and Safety Revolving Fund;

6. Approve or disapprove the budget of the Commission;

7. Promulgate rules as it deems necessary to carry out the provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act;

8. Enter into contracts or agreements for studies, research projects, safety programs, experimental work, supplies or other services to carry out the purposes of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act, and incur those expenses necessary to carry out those purposes. Any contract or agreement shall provide that:

- a. the person entering the contract or agreement on behalf of the Commission shall develop and submit to the Commission a plan or project together with a budget that shows estimated costs to be incurred for the plan or project, and
- b. the person entering the contract or agreement shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Commission of activities conducted, and any other reports as the Commission may require;

9. Keep accurate records of all financial transactions performed pursuant to the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act. These records shall be audited annually by an independent auditor and an annual report shall be compiled and presented to the Governor;

10. Cooperate with any private, local, state or national commission, organization, agency or group and to make contracts and agreements for joint programs beneficial to the LP gas industry;

11. Accept donations, grants, contributions and gifts from any public or private source and deposit the money in the LP Gas Research, Marketing and Safety Revolving Fund;

12. Approve or disapprove the investment of any monies in the LP Gas Research, Marketing and Safety Revolving Fund pursuant to Section 7 of this act; and

13. Keep an accurate record of all assessments collected.
Added by Laws 1994, c. 146, § 5, eff. July 1, 1994.

§52-420.25. Commission meetings - Appointment of Director.

A. There shall be an annual meeting of the Commission at which the annual report and proposed budget will be presented. The Commission shall, at the call of the chairperson, hold at least three other regular meetings each year. The chairperson shall establish the time, a manner and place of all meetings and shall provide notice of such meetings. A majority of the members of the Commission shall constitute a quorum for the transaction of any business. In addition, the Commission shall determine the circumstances under which additional meetings of the Commission may be held.

B. The Commission may appoint a Director who shall carry out the provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act. The Director shall not be one of the appointed Commission members.

Added by Laws 1994, c. 146, § 6, eff. July 1, 1994.

§52-420.26. LP Gas Research, Marketing and Safety Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission to be designated the "LP Gas Research, Marketing and Safety Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all monies received by the Commission from assessments received and collected pursuant to Section 420.27 of this title, and donations, grants, contributions and gifts from any public or private source and any monies appropriated by the Oklahoma State Legislature. The Commission may expend funds as provided for by law. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1994, c. 146, § 7, eff. July 1, 1994. Amended by Laws 1995, c. 277, § 3, emerg, eff. May 25, 1995; Laws 2012, c. 304, § 219.

§52-420.27. Assessment on first sale or import of odorized LP gas - Records of remitted fees - Entry upon business premises - Suspension or revocation of registration permit.

A. To fund the activities of the Commission an assessment shall be imposed on the first sale of odorized LP gas or at the time of import of odorized LP gas into the State of Oklahoma. Each operator of a loading rack on delivery into any cargo container shall collect from the person who purchases the odorized LP gas an assessment in an amount of one-half cent (\$0.005) per gallon. Each owner of odorized LP gas, at the time of import into this state, shall be responsible for the payment of the one-half cent (\$0.005) per gallon assessment on the volume of LP gas at the time of import.

B. The assessment shall be computed on the net amount of odorized LP gas delivered into a cargo container.

C. Loading rack operators and importers shall maintain sufficient records regarding their LP gas operations to enable the Commission to determine whether the loading rack operators and importers have remitted all fees due under the provisions of subsection A of this section. Loading rack operators and importers shall make such records available to the Commission for inspection and shall maintain such records for the minimum period of time that business records are required to be maintained by the Internal Revenue Service.

D. Upon a determination by a majority vote of the Commission that just cause exists, a representative of the Commission may, at reasonable times and after reasonable notice to the loading rack operator and importer, enter an office, premises or place of business of a loading rack operator or importer to inspect, examine and obtain copies of the LP gas operation records maintained pursuant to subsection C of this section, for the purpose of conducting an audit or investigation or enforcing or administering this act. The loading rack operator or importer or their representative is entitled to be present when the Commission representative enters to make inspections and examinations on the premises of the loading rack operator or importer.

E. The Commission shall serve notice to the Oklahoma Liquefied Petroleum Gas Administrator regarding any importer who fails to remit the assessment as required under the provisions of this section. Upon notice and hearing, the Oklahoma Liquefied Petroleum Gas Board may suspend or revoke any registration permit issued to the loading rack operator or importer by the Oklahoma Liquefied Petroleum Gas Board until all assessments and penalties are paid in full. Added by Laws 1994, c. 146, § 8, eff. July 1, 1994. Amended by Laws 1995, c. 303, § 2, eff. July 1, 1995; Laws 1998, c. 91, § 2, eff. Nov. 1, 1998; Laws 2002, c. 202, § 7, eff. July 1, 2002.

§52-420.28. Assessment collection - Penalties.

A. Each operator of a loading rack or owner of LP gas at the time of import shall, on or before the 25th day of the month following the end of each calendar month, file a report with the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission and remit the amount of assessments required to be collected or paid during the preceding month to the Commission, which shall be deposited in the LP Gas Research, Marketing and Safety Revolving Fund.

B. Loading rack operators or owners of LP gas at the time of import filing a report or remitting fees later than the 25th day of the month in which fees are due, but within thirty (30) days of the

deadline, shall remit a penalty in the amount of five percent (5%) of the amount of fees originally due and payable.

C. Loading rack operators or owners of LP gas at the time of import filing a report or remitting fees more than thirty (30) days after the deadline shall remit a penalty in the amount of ten percent (10%) of the fees originally due and payable.

D. An additional penalty of seventy-five percent (75%) of the amount of the fees and penalties due and payable will be added to penalties set forth in subsections B and C of this section if the failure to file a report or to remit the fees collected is determined by the Commission to be a result of fraud or an intent to evade the provisions of this act or the rules of the Commission.

E. The Commission shall be responsible for taking appropriate legal actions to collect any assessment which is not paid or is not properly paid. At the request of the Commission, the Attorney General is authorized to take any necessary action to collect any fees or penalties due under the provisions of this act.

Added by Laws 1994, c. 146, § 9, eff. July 1, 1994. Amended by Laws 1995, c. 303, § 3, eff. July 1, 1995; Laws 1998, c. 91, § 3, eff. Nov. 1, 1998; Laws 2002, c. 202, § 8, eff. July 1, 2002.

§52-420.29. Assessment refund.

A. Any person subject to the assessment levied by Section 420.27 of this title may request a refund, as provided for in this section, of the assessment paid on the first sale of odorized LP gas for the preceding calendar year. Upon compliance with the provisions of this section and rules promulgated by the Commission, the Commission shall refund to each person requesting a refund the amount of the assessment paid by or on behalf of such person during the preceding calendar year. Refunds made to persons subject to the assessment shall in turn be refunded by the person to each customer based on the percentage of the total volume of LP gas purchased by each customer. As used in this section, "customer" shall mean the end-user who consumes the LP gas.

B. The request for a refund of the assessment for the preceding calendar year must be made during the first calendar month following the calendar year for which the refund is requested. Failure to request a refund during this period shall terminate the right of any person to receive a refund for the assessment paid for the preceding calendar year. The Commission shall give notice of the availability of the refund through press releases or such other means as it deems appropriate.

C. Each person requesting a refund shall execute an affidavit showing the amount of refund requested and the volume of sales of LP gas made by the person to each customer. The Commission may require records to be submitted verifying the volume of sales and may verify the accuracy of the request for refund.

D. No person or company who requests a refund under this section shall be eligible to serve or have a representative serve as a member of the Commission.

Added by Laws 1994, c. 146, § 10, eff. July 1, 1994. Amended by Laws 1995, c. 303, § 4, eff. July 1, 1995.

§52-420.29-1. Exports exempted from assessment.

A. No fee shall be collected on any deliveries of odorized LP gas destined for export out of this state if the LP gas is in continuous movement to a destination outside of this state.

B. Purchasers or representatives of purchasers claiming an exemption under this section must complete a form, provided by the Commission, and return it to the loading rack operator making the exempt delivery. Any purchaser requesting an exemption for a particular load or for all LP gas purchased shall complete a form provided by the Commission. Each loading rack operator shall keep all exemptions forms filed with him or her on file and available for inspection by the Commission for a period of four (4) years.

Added by Laws 1995, c. 303, § 5, eff. July 1, 1995.

§52-420.29-2. Application for refund by purchaser.

Any purchaser who pays a fee to a loading rack operator or owner of LP gas at the time of import on a load of LP gas that is exempt under the provisions of this act may apply to the loading rack operator or owner of the LP gas at the time of import for a refund of the amount paid. To apply for a refund, the purchaser must complete a refund request form provided by the Commission, and return it to the loading rack operator or owner of the LP gas at the time of import who collected the fee. Any loading rack operator or owner of LP gas at the time of import required to refund a fee to a purchaser shall report the amount of the refund to the Commission. All amounts refunded and reported according to the provisions of this act may be deducted from the total amount of fees collected to arrive at the total amount of fees to be remitted to the Commission. All refund amounts reported must be supported by refund request forms kept on file by the loading rack operator and be available for inspection by the Commission for a period of four (4) years.

Added by Laws 1995, c. 303, § 6, eff. July 1, 1995. Amended by Laws 1998, c. 91, § 4, eff. Nov. 1, 1998.

§52-420.29-3. Petition to Commission for refund.

Any operator of a loading rack or owner of LP gas at the time of import may petition the Commission for a refund of fees remitted to the Commission in error by filing the proper form and returning to the Commission. The reason for the refund and supporting documentation must accompany the request.

Added by Laws 1995, c. 303, § 7, eff. July 1, 1995. Amended by Laws 1998, c. 91, § 5, eff. Nov. 1, 1998.

§52-420.30. Certain programs not preempted - Designation of funds for payment of certain programs.

Nothing in the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act may be construed to preempt or supersede any other program relating to LP gas promotion or marketing organized and operated under the law of the State of Oklahoma or the United States. The provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act applicable to the rules shall be applicable to amendments to the rules. In the event of the establishment of a national program for an assessment on propane sales, the Commission, by majority vote, may elect to designate up to a maximum of twenty percent (20%) of the funds collected pursuant to the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act to the national program in lieu of an additional assessment as may be required by the national program.

Added by Laws 1994, c. 146, § 11, eff. July 1, 1994.

§52-420.31. Oklahoma Propane Education and Safety Council - Powers and duties.

A. Effective November 1, 2015, the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission, created pursuant to Section 420.22 of Title 52 of the Oklahoma Statutes, shall be terminated and re-created as a private nonprofit successor organization herein referred to as the "Oklahoma Propane Education and Safety Council" or "Council". Members serving on the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission on November 1, 2015, shall serve as the governing board of the Oklahoma Propane Education and Safety Council and shall hold office until a successor is elected and qualified. Future members of the Council shall be elected by the membership of the organization pursuant to qualifications and procedures adopted by the Council.

B. The Oklahoma Propane Education and Safety Council shall perform the same duties and functions as required by the provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act, Section 420.20 et seq. of Title 52 of the Oklahoma Statutes, subject to modifications authorized by this act, and shall have the power and duty to:

1. Employ personnel deemed necessary by the Council, fix the amount and manner of their compensation, and incur other expenses that are necessary and proper to enable the Council to effectively carry out the purposes of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act;

2. Adopt and amend bylaws as necessary to promptly and effectively administer the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act;
3. Retain legal counsel as required;
4. Sue and be sued;
5. Initiate prosecution and civil remedies necessary to collect any assessments due and owing to the Council;
6. Cooperate with local, state, national or international organizations, whether public or private, to promote the liquefied petroleum gas industry;
7. Make such reasonable expenditures of funds as are necessary to carry out the provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act;
8. Call and conduct such meetings and elections as may be necessary in carrying out the provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act;
9. Keep minutes of its meetings and other books and records that clearly reflect all acts and transactions of the Council, including an annual financial report in accordance with general accounting practices;
10. Set the rate of assessment and penalties to be assessed and collected in the same manner as provided in Sections 420.27 and 420.28 of Title 52 of the Oklahoma Statutes;
11. Deposit all monies received by the Council including, but not limited to, assessments, donations and grants in a bank selected by the Council and invest in securities of the state or federal government, certificates of deposit or certificates of any bank, trust company or savings and loan association insured by a federal agency;
12. Establish an office or headquarters as necessary;
13. Purchase, lease, sell, exchange or dispose of real or personal property;
14. Formulate general policies and programs for the education, discovery, promotion and development of markets and industries for the utilization of liquefied petroleum gas;
15. Hire or retain legal counsel to represent the Council in any matter;
16. Borrow money for any lawful purpose;
17. Act separately or in cooperation with any person in developing, carrying out and participating in programs of research, education and promotion designed to encourage the production, marketing and use of liquefied petroleum gas; and
18. Exercise such other powers as necessary to carry out the purpose of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act.

C. 1. The Oklahoma Propane Education and Safety Council is authorized to receive assessments as provided for in the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act and donations and grants from any source.

2. Money received by the Council may be expended for the purpose of implementing the provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act.

3. The Council shall follow the assessment requirements and procedures established in the statutory provisions of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act and the provisions of this act.

D. Funds assessed and collected under this act shall not be expended for use directly or indirectly to promote or oppose the election of any candidate for public office.

E. The Council may investigate conditions that relate to the prompt remittance of the assessment. If the Council determines that a person or company has failed to remit to the Council the required assessment, the Council may independently institute proceedings for recovery of the amount due to the Council or for injunctive or other appropriate relief.

F. A violation of any provision of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act or the provisions of this act is unlawful and may be enjoined by a district court of competent jurisdiction. In any action brought by the Council which results in an injunction against a person and the court determines that such person has violated any provision of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Act or the provisions of this act, the court shall award costs and attorney fees to the Council.

G. 1. All funds accredited to the LP Gas Research, Marketing and Safety Revolving Fund, established pursuant to Section 420.26 of Title 52 of the Oklahoma Statutes, including any encumbered assessments due to the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission, equipment and all other property shall transfer from the possession and control of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission created pursuant to Section 420.22 of Title 52 of the Oklahoma Statutes to the possession and control of the private nonprofit organization, Oklahoma Propane Education and Safety Council, created pursuant to subsection A of this section.

2. All funds, equipment and other property so transferred shall no longer be considered state funds or state property and may be transferred or disposed of by the Council without regard to state surplus property laws.

3. Contracts and financial obligations of the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission in effect

upon the effective date of this act shall remain in effect until fulfilled.

Added by Laws 2015, c. 369, § 1, eff. Nov. 1, 2015.

§52-420.51. Renumbered as § 130.11 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.52. Renumbered as § 130.12 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.53. Renumbered as § 130.13 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.54. Renumbered as § 130.14 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.55. Renumbered as § 130.15 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.56. Renumbered as § 130.16 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.57. Renumbered as § 130.17 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.58. Renumbered as § 130.18 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.59. Renumbered as § 130.19 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.60. Renumbered as § 130.20 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.61. Renumbered as § 130.21 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.62. Renumbered as § 130.22 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.63. Renumbered as § 130.23 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-420.64. Renumbered as § 130.24 of Title 74 by Laws 1991, c. 235, § 24, eff. July 1, 1991.

§52-421. Repealed by Laws 1953, p. 227, § 14.