

**ADOPTED REGULATION OF THE  
BOARD FOR THE REGULATION OF LIQUEFIED PETROLEUM GAS**

**LCB File No. R148-05**

Effective February 23, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-16, NRS 590.505.

A REGULATION relating to liquefied petroleum gas; prohibiting the servicing or supplying of certain unlicensed installations or facilities, and providing penalties for violations of this prohibition; revising fees for and provisions governing applications for licenses and certificates and renewals of licenses and certificates; revising provisions governing complaints and requests for mediation; providing for the confidentiality of certain documents related to complaints; incorporating by reference certain standards of the National Fire Protection Association; providing for the suspension of a license for failure to pay certain charges; and providing other matters properly relating thereto.

**Section 1.** Chapter 590 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

**Sec. 2. 1.** *An applicant for a certificate of competency must submit an application to the Board before taking the examination for the certificate of competency.*

*2. The application must be accompanied by the appropriate application fee.*

*3. Each application is valid for the initial administration of the examination for one certificate of competency and one endorsement. If the applicant does not pass such an examination, the applicant may retake that examination not more than twice without paying an additional fee if he retakes the examination within 90 days after initially taking the examination.*

**Sec. 3. 1.** *The Board may grant the following certificates of competency:*

- (a) Type 1, to a person who is engaged in the retail of LP gas.*
- (b) Type 2A, to a person who is engaged in the delivery of LP gas exchange cylinders.*
- (c) Type 3A, to a person who is engaged in the installation and repair of LP gas vapor piping, appliances and venting.*
- (d) Type 3B, to a person who is engaged in the installation or repair of LP gas systems on recreational vehicles.*
- (e) Type 3C, to a person who is engaged in the installation or repair of LP gas industrial facilities.*
- (f) Type 3D, to a person who is engaged in the installation of LP gas vehicle fuel systems.*
- (g) Type 3E, to a person who is engaged in activities relating to LP gas that the Board determines requires a certificate of competency.*

*2. The Board may grant a qualified person endorsement to each person who holds a certificate of competency.*

**Sec. 4.** *A license issued pursuant to the provisions of NRS 590.465 to 590.645, inclusive, is valid for 1 year and expires on the last day of the month the license was issued.*

**Sec. 5.** *1. The Board will review educational courses to determine whether a course may be used to meet the requirements for continuing education set forth in subsection 2 of NAC 590.360. If the Board determines that a course may be used to meet those requirements, the Board will approve the course and determine the number of continuing education units that may be awarded for the successful completion of the course. The Board will maintain a list of all courses approved pursuant to this subsection.*

*2. If a course is not on the list of approved courses, the holder of a certificate of competency may request that the Board approve the course.*

**Sec. 6.** *Any complaint against a licensee or request for mediation must be filed with the Board within 1 year after the date of the alleged violation.*

**Sec. 7. 1.** *Except as otherwise provided in this section or NRS 590.505 or 590.605, a complaint filed with the Board, any documents or other information filed with the complaint and any documents or other information compiled as a result of an investigation by the Board are confidential.*

**2.** *A complaint filed on behalf of the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.*

**Sec. 8. 1.** *It is unlawful for a person or business to operate an unlicensed installation, facility or service that is required to be licensed pursuant to NRS 590.535.*

**2.** *The Board may recover license fees and impose penalty fees from unlicensed dealers, sellers, installations and facilities. The minimum license fee recovery is the amount of the current license fee charged for the year preceding the violation and the maximum license fee recovery is the period of the violation. The penalty fee is 10 times the sum of all current license and inspection fees required to establish a licensed operation plus the past due license fees up to a maximum of 3 years' past due license fees. For the purposes of calculating the license fee recovery and penalty fees pursuant to this subsection, a minimum of 1 day of unlicensed operation is necessary to establish 1 year of unlicensed operation. The license fee recovery and penalty fee will be calculated using the following formulae:*

*License fee recovery = (current license fees) + ((past due annual license fees) x (number of years past due))*

*Penalty fee = 10 x ((current license fees + current inspection fees) + (the lesser of actual past due license fees or 3 years' past due license fees))*

**Sec. 9.** *The Board adopts by reference the regulations contained in NFPA 160: Standard for the Use of Flame Effects Before an Audience, 2006 edition, and any subsequent edition issued by the National Fire Protection Association which has been approved by the Board for use in Nevada. Each new edition shall be deemed approved by the Board unless the edition is disapproved by the Board within 120 days after the date on which the Board receives the printed publication from the National Fire Protection Association. The Board will review each edition issued after the 2006 edition to ensure its suitability for Nevada. The most current edition that has been approved by the Board is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of \$27.*

**Sec. 10. 1.** *All charges billed to a licensee by the Board are due upon receipt of the bill by the licensee. Except as otherwise provided in subsection 2, if a licensee fails to pay a charge billed to him by the Board within 90 days of the date the charge was sent to the licensee by the Board, the Board will suspend the license of the licensee.*

*2. If a licensee disputes a charge billed to him by the Board, he may request a hearing before the Board to resolve the charge. The licensee must request the hearing in writing and must cause the request to be received by the Board before the expiration of the 90-day period described in subsection 1. Upon receipt of a request that meets the requirements of this subsection, the Board will schedule a hearing for the licensee at the next available regularly scheduled meeting of the Board and will not suspend the license of the licensee for failure to*

*pay the disputed charge before the date of the hearing. The Board will conduct the hearing in accordance with NAC 590.644 to 590.687, inclusive, as applicable.*

*3. The provisions of this section do not apply to license fees.*

**Sec. 11.** NAC 590.100 is hereby amended to read as follows:

590.100 As used in NAC 590.100 to 590.687, inclusive, *and sections 2 to 10, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 590.110 to 590.190, inclusive, have the meanings ascribed to them in those sections.

**Sec. 12.** NAC 590.240 is hereby amended to read as follows:

590.240 The Board will charge and collect the following fees:

Class 1A:

Fee for an application for a license.....	\$70
Annual fee for a license for a dealer who sells or distributes 250,000 gallons or more of LP gas.....	925
Fee for inspecting each storage tank, plant facility or truck tank.....	105

Class 1B:

Fee for an application for a license.....	70
Annual fee for a license for a dealer who sells or distributes less than 250,000 gallons of LP gas .....	660
Fee for inspecting each storage tank, plant facility or truck tank.....	105

Class 2A:

Fee for an application for a license.....	70
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Annual fee for a license <i>for a business engaged in the delivery of</i> <i>prefilled LP gas exchange cylinders</i> .....	135
Fee for inspecting each <del>[storage tank or delivery truck]</del> <i>site for the</i> <i>storage of prefilled cylinders</i> .....	105
<b>Class 2B:</b>	
Fee for an application for a license.....	70
Annual fee for a license <i>for a business engaged in the operation of an</i> <i>LP gas cylinder exchange site</i> .....	65
Fee for inspecting each site where a cage for the storage of cylinders which are available for exchange or sale is located.....	50
<b>Class <del>3A:</del> 3A:</b>	
Fee for an application for a license.....	70
Annual fee for a license <i>for a business engaged in the installation or</i> <i>repair of LP gas vapor piping, appliances or venting</i> .....	135
<b>Class 3B:</b>	
<i>Fee for an application for a license</i> .....	70
<i>Annual fee for a license for a business engaged in the installation or</i> <i>repair of LP gas systems installed on recreational vehicles</i> .....	135
<b>Class 3C:</b>	
<i>Fee for an application for a license</i> .....	70
<i>Annual fee for a license for a business engaged in the installation or</i> <i>repair of LP gas industrial facilities</i> .....	135
<b>Class 3D:</b>	

<i>Fee for an application for a license .....</i>	<i>70</i>
<i>Annual fee for a license for a business engaged in the installation of LP gas vehicle fuel systems .....</i>	<i>135</i>

**Class 3E:**

<i>Fee for an application for a license .....</i>	<i>70</i>
<i>Annual fee for a license for a business not engaged in the sale of LP gas but engaged in the sale or installation of gas equipment that the Board determines requires a special license.....</i>	<i>135</i>

**Class 4:**

Fee for an application for a license.....	70
Annual fee for a license <i>for a business that operates a dispenser at a fixed location for the resale of propane to the public .....</i>	<i>135</i>
Fee for inspecting each dispensing unit.....	105

**Class 5:**

Fee for an application for a license.....	70
Annual fee for a license <i>for a business engaged in activities relating to LP gas which the Board determines requires a special license .....</i>	<i>135</i>
Fee for inspecting each storage tank or vaporizer .....	105
plus any other expenses related to the inspection.	

**Miscellaneous Fees:**

<i>Fee for an application for a variance .....</i>	<i>70</i>
<i>plus any other expenses related to the variance.</i>	
<i>Fee for an application to establish a new qualified person .....</i>	<i>70</i>

<i>Fee for the issuance or renewal of a qualified person certificate .....</i>	<i>25</i>
Fee for <del>[the examination]</del> <i>an application</i> for a certificate of competency.....	<del>[100]</del> <i>70</i>
Fee for the issuance or renewal of a certificate of competency .....	<del>[145]</del> <i>75</i>

**Sec. 13.** NAC 590.300 is hereby amended to read as follows:

590.300 1. No original license will be issued ~~[.]~~ and no license for an established ~~[dealer or firm]~~ *class 1A, 1B, 2A, 3B, 3C, 3D or 3E licensee* will be renewed unless it appears to the satisfaction of the Board at the time of issuance or renewal that a qualified person who has been issued a certificate of competency pursuant to NAC 590.340 *and who has been approved by the Board* is connected with the business, ~~[and]~~ vested with supervisory authority ~~[.]~~ *and maintains a bona fide residence within the immediate area or territory of the business.* If, during the operation of a licensed firm pursuant to the provisions of NRS 590.465 to 590.645, inclusive, the licensee no longer has a qualified person connected with the firm in a supervisory capacity, ~~[it]~~ *the licensee shall notify the Board immediately and submit an application to establish a new qualified person within 60 days after the previous qualified person is no longer connected with the firm in a supervisory capacity. Failure to establish a new qualified person connected with the firm in a supervisory capacity pursuant to this subsection* constitutes grounds for revocation or suspension of the license pursuant to the provisions of NRS 590.605.

2. *The certificate of competency required by subsection 1 is a valid type 1, 2A, 3A, 3B, 3C, 3D or 3E which corresponds with the license class and which carries a qualified person endorsement.*

3. Upon the issuance of an original license or the renewal of a license by the Board, the Board will issue ~~[to the]~~ *a qualified person certificate to the licensee that identifies the qualified*



*person* connected with the licensee in a supervisory capacity . ~~[a card which identifies him as the qualified person for that licensee.~~

~~—3.]~~ *4. A qualified person certificate is valid for 1 year and expires on the last day of the month the certificate was issued.*

5. The provisions of subsection 1 do not prohibit the management of a licensed LP gas business from having in its employ ~~[.]~~ a qualified person on a standby basis who is not vested with supervisory power or authority in the business.

**Sec. 14.** NAC 590.320 is hereby amended to read as follows:

590.320 1. Each applicant for a certificate of competency must submit to an oral ~~[and]~~ *or* written examination ~~[.]~~, *or both.*

2. The Board may, upon good cause shown, require the holder of a certificate of competency to submit to an oral ~~[and]~~ *or* written examination ~~[.]~~, *or both.* The Board will provide to the holder at least 30 days' written notice of the time and place of the examination.

**Sec. 15.** NAC 590.360 is hereby amended to read as follows:

590.360 A person may renew a certificate of competency if he ~~[submits]~~ :

*1. Submits* to the examination required pursuant to NAC 590.320 not later than June 30 of the year in which the certificate expires ~~[.]~~; *or*

*2. Completes at least 20 continuing education units from any course approved by the Board not later than April 30 of the year in which the certificate expires. The continuing education units must be earned during the period the certificate of competency is valid to satisfy the requirements of this subsection.*

**Sec. 16.** NAC 590.380 is hereby amended to read as follows:

590.380 1. If a certificate expires for failure to apply for renewal in a timely manner, a new certificate will be issued by the Board to the holder of the expired certificate only upon his passing an oral ~~and~~ *or* written examination ~~and~~, *or both*.

2. An order by the Board suspending a certificate will be followed in all cases by a further order:

- (a) Vacating the order of suspension, thereby renewing the original certificate; or
- (b) Permanently revoking the certificate.

3. Upon the suspension of a certificate, the Board will not renew the original certificate until the holder of the certificate passes the prescribed oral ~~and~~ *or* written examination ~~and~~, *or both*.

4. An application for the issuance of a new certificate will not be accepted, entertained or acted upon while an order of suspension of the certificate of the applicant is in effect.

5. If the Board has revoked a certificate pursuant to the provisions of NRS 590.605, a new certificate will not be issued to the person whose certificate was revoked until he passes the prescribed oral ~~and~~ *or* written examination ~~and~~, *or both*.

6. A period of at least 6 months from the date of the order of revocation of a certificate must elapse before a person who has had a certificate revoked may reapply for examination and issuance of a new certificate.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R148-05**

The Board for the Regulation of Liquefied Petroleum Gas adopted regulations assigned LCB File No. R148-05 which pertain to chapter 590 of the Nevada Administrative Code on January 20, 2006.

**Notice date:** 12/19/2005  
**Hearing date:** 1/20/2006

**Date of adoption by agency:** 1/20/2006  
**Filing date:** 2/23/2006

**INFORMATIONAL STATEMENT**

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The adoption was noticed by posting the Notice of Intent to Act Upon a Regulation at all of the County Libraries, the State Library, and the Legislative Council Bureau. There was public comment in support of the regulations. A summary of the comments is contained in the minutes of the Board meetings and/or workshops held February 18, 2005, April 14, 2005, May 27, 2005, June 17, 2005, October 21, 2005, November 18, 2005, January 19, 2006 and January 20, 2006. A copy of the written minutes may be obtained by calling or writing to the Board at P.O. Box 338, Carson City, Nevada 89702.

**2. The number persons who:**

- (a) Attended each hearing:** 16
- (b) Testified at each hearing:** 10
- (c) Submitted to the agency written comments:** 0

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the Notice of Intent, as outlined in #1, including the affected industry's association and by direct mail to interested persons subscribing to the Board's mailing list. No written comments were received.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted by the Board on January 20, 2006 with no substantive changes to the proposed regulation, except for the deletion of sections 2 and 12 pertaining to the definition of a continuing education unit and the use of copper pipe and tubing. There was no public comment adverse to the regulation, except for section 9 which was modified to address their concerns.

**5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

- a) Both adverse and beneficial effects; and**
- b) Both immediate and long-term effects.**

The **adverse effects** of the regulations, both immediate and long term, include the addition of the following:

A \$70 application fee for a variance. The estimated total combined annual cost to businesses and the public is \$70.

A \$70 application fee to establish a qualified person. The estimated total combined annual cost to businesses and the public is \$700.

A \$25 fee to renew a qualified person. The estimated total combined annual cost to businesses and the public is \$3750.

The **beneficial effects** of the regulations, both immediate and long term, include the following:

A reduction in fees for the application of a certificate of competency from \$100 to \$70 and for the renewal of a certificate of competency from \$145 to \$75. This reduction in fees will result in an estimated total combined annual savings to businesses and the public of \$4980.

An increase in public safety by the addition of penalties for unlicensed operations. These penalties are meant to discourage unlicensed operations which continually pose a threat to the public's safety.

An increase in public safety by the adoption of uniform codes.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the Board for enforcement of the regulations.

**7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or governmental agency regulations which the proposed regulation overlaps or duplicates.

**8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no provisions which are more stringent than a federal regulation.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The Board will collect the following new fees:

A \$70 application fee for a variance. The Board expects to collect approximately \$70 per year in new revenue.

A \$70 application fee to establish a qualified person. This is a one time fee that will be charged to new applicants only. The Board expects to collect approximately \$700 per year in new revenue

A \$25 fee to renew a qualified person. This is an annual fee that will be charged to all licensees who are required to have a qualified person. The Board expects to collect approximately \$3750 per year in new revenue.

The new fees listed above will increase the Boards annual income by an estimated \$4520. The Board has also adopted regulations that will reduce fees collected for the issuance or renewal of a certificate of competency by 48% which equates to an estimated annual loss of income of \$3480. The Board has also adopted regulations that will reduce fees collected for the application of a certificate of competency by 30% which equates to an estimated annual loss of income of \$1500. The combined total of fee increases and decreases will be an estimated annual LOSS of income to the Board of \$460.