

LCB File No. R148-05

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

(This draft replaces the one posted 9/8/05)

**NOTICE OF WORKSHOP,
TO SOLICIT COMMENTS ON PROPOSED REGULATION**

The Nevada Board for the Regulation of Liquefied Petroleum Gas is proposing the adoption, amendment, and/or repeal of regulations pertaining to chapter 590 of Nevada Administrative Code. A workshop has been set for January 19, 2006 10:00 AM at the Board office, 106 East Adams, Room 215, Carson City, Nevada 89706. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

The purpose of the proposed regulations is to update the current regulations. The terms or substance of the regulations are as follows:

Section 1 - NAC 590.646 Statue of limitations.

Section 2 - NAC 590.647 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.

Section 3 - NAC 590.275 Unlawful to service or supply an unlicensed installation; License fee recovery; Penalties

Section 4 - NAC 590.240 Fees of Board.

Section 5 - NAC 590.300 Qualified person required; issuance of identification certificate; expiration

Section 6 - NAC 590.135 "Continuing Education Unit (CEU)" defined

Section 7 - NAC 590.310 Certificate of competency: Application

Section 8 - NAC 590.315 Certificate of competency: Types; Endorsement

Section 9 - NAC 590.320 Certificate of competency: Examination.

Section 10 - NAC 590.360 Certificate of competency: Renewal.

Section 11 - NAC 590.370 Continuing education units require Board approval; Board to maintain list; addition of courses to list.

Section 12 - NAC 590.380 Certificate of competency: Lapse; suspension; revocation; reapplication.

Section 13 - NAC 590.243 License expiration

Section 14 - NAC 590.630 Adoption of regulations for flame effects before an audience

Section 15 - NAC 590.244 Payment of Fees; Disputing Fees; Collection of Unpaid Fees.

Section 16 - NAC 590.510 Copper pipe and tubing

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting The Nevada Board for the Regulation of Liquefied Petroleum Gas, P.O. Box 338, Carson City, NV 89702. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations; Carson City Library, 900 North Rook Street, Carson City, Nevada 89701 - Churchill County Library, 553 South Maine Street, Fallon, Nevada 89406 - Las Vegas Library, 833 Las Vegas Boulevard North, Las Vegas, Nevada 89101 - Douglas County Library, Post Office Box 337, 1625 Library Lane, Minden, Nevada 89423 - Elko County Library, 720 Court Street, Elko, Nevada 89801 - Goldfield Public Library, Post Office Box 430, (Fourth & Crook Street), Goldfield, Nevada 89013 - Eureka Branch Library, Post Office Box 293, 10190 Monroe Street, Eureka, Nevada 89316 - Humboldt County Library, 85 East 5th Street, Winnemucca, Nevada 89445 - Lincoln County Library, Post Office Box 330, 93 Main Street, Pioche, Nevada 89043 - Lyon County Library, 20 Nevin Way, Yerington, Nevada 89447 - Mineral County Library, Post Office Box 1390, (First & A Street), Hawthorne, Nevada 89415 - Tonopah Public Library, Post Office Box 449, 171 Central Street, Tonopah, Nevada 89049 - Pershing County Library, Post Office Box 781, 1125 Central Avenue, Lovelock, Nevada 89419 - Storey County Library, Post Office Box 14, 95 South R Street, Virginia City, Nevada 89440 - Washoe County Library, Post Office Box 2151, 301 South Center, Reno, Nevada 89505 - White Pine County Library, 950 Campton Street, Ely, Nevada 89301 - Battle Mountain Branch Library, Post Office Box 141, Battle Mountain, Nevada 89820 and on the Boards website www.lpg.nv.gov

SMALL BUSINESS IMPACT STATEMENT

The Board has made a preliminary determination that the proposed regulations will not have a direct and substantial economic burden on small businesses. Interested parties may comment on this statement.

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the adoption, amendment and/or repeal of regulations of the Nevada Board for the Regulation of Liquefied Petroleum Gas

The Nevada Board for the Regulation of Liquefied Petroleum Gas will hold a public hearing on January 20, 2006 11:00 AM at the Board office, 106 East Adams, Room 215, Carson City, Nevada 89706. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to chapter 590 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The purpose of the proposed regulations is to update the current regulations as set forth below.
2. The terms or substance of the regulations are as follows:
 - Section 1** - NAC 590.646 Statue of limitations.
 - Section 2** - NAC 590.647 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
 - Section 3** - NAC 590.275 Unlawful to service or supply an unlicensed installation; License fee recovery; Penalties
 - Section 4** - NAC 590.240 Fees of Board.
 - Section 5** - NAC 590.300 Qualified person required; issuance of identification certificate; expiration
 - Section 6** - NAC 590.135 "Continuing Education Unit (CEU)" defined
 - Section 7** - NAC 590.310 Certificate of competency: Application
 - Section 8** - NAC 590.315 Certificate of competency: Types; Endorsement
 - Section 9** - NAC 590.320 Certificate of competency: Examination.
 - Section 10** - NAC 590.360 Certificate of competency: Renewal.
 - Section 11** - NAC 590.370 Continuing education units require Board approval; Board to maintain list; addition of courses to list.
 - Section 12** - NAC 590.380 Certificate of competency: Lapse; suspension; revocation; reapplication.
 - Section 13** - NAC 590.243 License expiration
 - Section 14** - NAC 590.630 Adoption of regulations for flame effects before an audience
 - Section 15** - NAC 590.244 Payment of Fees; Disputing Fees; Collection of Unpaid Fees.
 - Section 16** - NAC 590.510 Copper pipe and tubing
3. There should be no adverse economic effects on either the public or the LP-Gas industry.
4. There should be no increase in expenses associated with enforcing the proposed regulations.
5. There are no duplications or overlapping regulations of any state, local or federal agencies.
6. No federal law requires the proposed regulations.
7. The regulation changes are not more stringent than any federal regulations that regulate the same activity.
8. The proposed regulation will establish a new fee.

Persons wishing to comment upon the proposed action of the Nevada Board for the Regulation of Liquefied Petroleum Gas may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to:

Nevada Board for the Regulation of Liquefied Petroleum Gas
P O Box 338
Carson City Nevada 89702

Written submissions must be received by the Nevada Board for the Regulation of Liquefied Petroleum Gas on or before January 19, 2006. If no person who is directly affected by the proposed actions appears to request time to make an oral presentation, the Nevada Board for the Regulation of Liquefied Petroleum Gas may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted, amended, and/or repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted, amended, and/or repealed will be available at 106 E. Adams St., Carson City, NV 89706, the Board website www.lpg.nv.gov, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

LCB File No. R148-05

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

Proposed Change to NAC 590.100 to 590.687

SECTION 1: *NAC 590.646 Statute of limitations.*

All requests for mediation and complaints against a licensee must be filed with the Board within 1 calendar year from the date of the alleged violation.

SECTION 2: *NAC 590.647 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.*

1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

SECTION 3: *NAC 590.275 Unlawful to service or supply an unlicensed installation; License fee recovery; Penalties*

1. It is unlawful for any person licensed pursuant to NRS 590.465 to 590.645 to service or supply an unlicensed installation or facility that is required to be licensed pursuant to NRS 590.535.

2. Servicing or supplying an unlicensed installation or facility is:

a) Harmful to the safety and protection of the public as those terms are used in NRS 590.549 (4) and is

b) Inimical and not in the best interests of the health and safety or welfare of the people of this state as those terms are used in NRS 590.605 (1).

3. License fee recovery and penalty fees may be imposed for unlicensed dealers, sellers, installations and/or facilities. The license fee recovery may be the amount of the current license fee charged in the arrears, a minimum of one (1) year, to the maximum length of time that the violation of unlicensed operation took place. The penalty fee will be a multiplier of ten (10) of the past due license fees, and all current license and inspection fees to establish a legal operation, with a cap of three (3) years imposed on the past due portion of the penalty fee. The penalty will be assessed to each the supplier and the prospective licensee individually. The license fee recovery and penalty fees assume that one (1) day unlicensed operation constitutes a minimum of one (1) year.

FORMULA:

*License Fee Recovery = (Current License Fees) + (Past Due Annual License Fees * Number of Years Past Due)*

*Penalty Fee = 10 * ((Current License Fees + Current Inspection Fees) + (Past Due Annual License Fees * Number of Years Past Due not to Exceed 3 Years))*

SECTION 4: NAC 590.240 Fees of Board. (NRS 590.505, 590.515, 590.549)

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
Annual fee for a license <i>for a business engaged in the delivery of pre-filled LP gas exchange cylinders</i>	135
Fee for inspecting each storage tank <i>site for the storage of pre-filled cylinders</i> for delivery truck	105

Class 2B:

Fee for an application for a license.....	70
Annual fee for a license <i>for a business engaged in the operation of an 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

Class 3A:

Fee for an application for a license.....	70
Annual fee for a license <i>for a business engaged in the installation or repair of LP gas vapor piping, appliances or venting</i>	135

Class 3B:

<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 or repair of LP gas systems installed on recreational vehicles</i>	<i>135</i>

Class 3C:

<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 or repair of LP gas industrial facilities</i>	<i>135</i>

Class 3D:

<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 LPG 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>	135
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 LPG which the Board determines requires a special license.</i>	135
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 for a qualified person</i>	<i>70</i>
<i>Fee for the issuance or renewal of a qualified person</i>	<i>25</i>
Fee for [the examination] <i>an application</i> for a certificate of competen.....	[100] <i>70</i>
Fee for the issuance or renewal of a certificate of competency.....	[145] <i>75</i>

SECTION 5: NAC 590.300 Qualified person required; issuance of identification ~~[card]~~ certificate; expiration; . (NRS 590.505, 590.515, 590.549, 590.605)

1. No original license will be issued, and no license for an established ~~[dealer or firm]~~ *class 1A, 1B, 2A, 3A, 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]~~ *the required* certificate of competency pursuant to NAC 590.340 *and approved by the Board* is connected with the business ~~[and]~~, vested with supervisory authority~~[.]~~ *and maintains an actual bona fide residence within the immediate area or territory of said 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~~[.]~~ *they must notify the Board immediately and submit an application to reestablish a qualified person within 60 days or it will* constitute~~[s]~~ grounds for revocation or suspension of the license pursuant to the provisions of NRS 590.605.

2. *The required certificate of competency to meet the requirement set forth in NAC 590.300(1) will be a valid type 1, 2A, 3A, 3B, 3C, 3D or 3E certificate of competency that corresponds with the license class and carries a qualified person endorsement.*

~~[2]~~3. Upon the issuance of an original license or the renewal of a license by the Board, the Board will issue *a qualified person certificate* to the *licensee that identifies the* qualified person connected with the licensee in a supervisory capacity ~~[a card which identifies as the qualified person for that licensee.]~~

4. *The qualified person certificate expires annually on the last day of the month of the month the license was issued.*

~~3~~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.

SECTION 6: *NAC 590.135 “Continuing Education Unit (CEU)” defined.*

“Continuing Education Unit (CEU)” has the meaning ascribed to it by the International Association for Continuing Education and Training (IACET).

SECTION 7: *NAC 590.310 Certificate of competency: Application*

An application for a certificate of competency must be made to the Board staff prior to the administering of the certificate of competency examination. The application must be accompanied by the application fee. Each application is valid for the administration of the initial examination for one type certificate of competency and one endorsement and two follow-up examinations of the same type if the applicant fails to successfully complete the initial examination. The follow-up examinations must be taken within 90 days of the initial examination.

SECTION 8: *NAC 590.315 Certificate of competency: Types; Endorsement*

1. Certificate of competency types;

Type 1, LP gas retailer

Type 1C, LP gas service technician

Type 1D, LP gas delivery

Type 1E, LP gas container installation

Type 2A, delivery of pre-filled LP gas exchange cylinders.

Type 3A, installation and repair of LP gas vapor piping, appliances and venting.

Type 3B, installation or repair of LP gas systems installed on recreational vehicles.

Type 3C, installation and repair of LP gas industrial facilities.

Type 3D, installation of LP gas vehicle fuel systems.

Type 3E, individualized examination specific to the sale or installation of gas equipment that the Board determines requires a special license.

2. Certificate of competency endorsements;

QP, qualified person endorsement

SECTION 9: **NAC 590.320 Certificate of competency: Examination.** (NRS 590.505, 590.515, 590.549)

1. Each applicant for a certificate of competency must submit to an oral and/or written examination.

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. The Board will provide to the holder at least 30 days’ written notice of the time and place of the examination.

SECTION 10: **NAC 590.360 Certificate of competency: Renewal.** (NRS 590.505, 590.515, 590.549)

A person may renew a certificate of competency if he submits ~~to~~ *either of the following:*

1. ~~To~~ the examination required pursuant to NAC 590.320 not later than June 30 of the year in which the certificate expires.

2. A minimum of 2 continuing education units (CEU'S) from any educational course(s) approved by the Board not later than April 30 of the year in which the certificate expires. The CEU's must have been earned during the period when the certificate of competency was valid.

SECTION 11: *NAC 590.370 Continuing education units require Board approval; Board to maintain list; addition of courses to list.*

1. The Board shall review educational courses that may provide continuing education units (CEU's) to determine their quantitative value and if they will satisfy the requirement set forth in NAC 590.360 (2).

2. The Board shall maintain a list of recognized courses that satisfy the requirement set forth in NAC 590.360 (2).

3. If the holder of a certificate of competency wishes the Board to accept CEU's from a course that is not on the list of recognized courses they may request the Board to consider the addition of the course to the list.

SECTION 12: *NAC 590.380 Certificate of competency: Lapse; suspension; revocation; reapplication. (NRS 590.505, 590.515, 590.549)*

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.

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.

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.

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.

SECTION 13: *NAC 590.243 License expiration*

All licenses issued pursuant to NRS 590.465 to 590.645 expire annually on the last day of the month that the license was issued.

SECTION 14: *NAC 590.630 Adoption of regulations for flame effects before an audience. (NRS 590.505, 590.515) The Board adopts by reference the regulations contained in Publication 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, Quincy, Massachusetts 02269-9101, by telephone at (800) 344-3555 or on the Internet at <www.nfpa.org>, for the price of \$25.50.

SECTION 15: *NAC 590.244 Payment of Fees; Disputing Fees; Collection of Unpaid Fees. (NRS 590.505, 590.515, 590.549)*

1. All charges to a licensee, other than license fees, are due and payable upon receipt. Any licensee who fails to pay the Board any balance due to the Board, other than license fees, within 90 days of the issuance of the charge shall have his license automatically suspended.

2. If a licensee disputes any charges to them, other than license fees, they may request a hearing before the Board to resolve the disputed charge. All requests for a hearing must be in writing and received by the Board prior to the suspension of the license as described in section 1 of NAC 590.244. Upon receipt of a written request for a hearing as described in this section the Board will schedule a hearing at the next available regularly scheduled Board meeting. The hearing shall follow the guidelines described in NAC 590.677.

SECTION 16: *NAC 590.510 Copper pipe and tubing*

Copper pipe and tubing shall not be used for LP-Gas distribution systems operating below LP-Gas container pressure.