

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

LCB File No. R073-10

Effective December 16, 2010

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

AUTHORITY: §§1-24, NRS 590.505 and 590.515.

A REGULATION relating to liquefied petroleum gas; revising provisions relating to the installation, modification and storage of liquefied petroleum gas; requiring certain licensees to disclose specific information to liquefied petroleum gas customers; revising certain fees; revising the types of certificates of competency issued and the requirements for issuance; providing for a certificate of competency by reciprocity; revising provisions relating to regulations adopted by reference; 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 6, inclusive, of this regulation.

Sec. 2. 1. *Except as otherwise provided in subsection 3, before installing or modifying any LP gas equipment at an installation, a person or business must:*

(a) Request approval from the Board or its staff, on a form provided by the Board, to install or modify the LP gas equipment; and

(b) Submit for approval from the Board or its staff, a detailed plan for the proposed installation or modification of LP gas equipment at the installation.

2. If the Board or its staff approves a request and plan submitted pursuant to subsection 1, the Board or staff will issue the approval to the person or business in writing and place a copy of the approval on file in the office of the Board.

3. *The provisions of this section do not apply to the routine maintenance of an installation.*

Sec. 3. 1. *If an installation built for the purpose of dispensing LP gas:*

(a) *Is built or initially licensed after January 1, 2011; and*

(b) *Is required to have the capability to remotely close or shut off more than one safety device,*

↳ the installation must have a single common activation point for all safety devices. Each safety device must remain closed or shut off when not in use.

2. *As used in this section, “safety device” means an internal valve, emergency shut-off valve or electrical disconnect.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, each cabinet installed for LP gas cylinder exchange must have a clearance of not less than 5 feet on the front and each side of the cabinet.*

2. *Clearance between the sides of each cabinet for LP gas cylinder exchange is not required if the cabinets are installed in a group.*

3. *A sign must be posted on the front of each cabinet for LP gas cylinder exchange. The sign must:*

(a) *Be white with red letters that are not less than 2 inches in height.*

(b) *Contain the words “NO SMOKING,” “FLAMMABLE” and “PROPANE.”*

(c) *Include a telephone number for emergencies.*

4. *Any open flame must be kept at least 10 feet from each cabinet for LP gas cylinder exchange.*

Sec. 5. *The Board may recover investigative costs and impose penalty fees on any person, firm or corporation that violates any provision of NRS 590.535.*

Sec. 6. 1. *The Board will not issue or renew a class 1A, 1B, 2A, 3A, 3B, 3C, 3D or 3E license unless the applicant or licensee establishes that at the time of issuance or renewal of the license at least one qualified person is connected with or employed by the licensee or applicant.*

2. A licensee who holds a class 1A, 1B, 2A, 3A, 3B, 3C, 3D or 3E license shall allow only a qualified person employed by the licensee to perform safety sensitive functions.

3. As used in this section:

(a) “Qualified person” means a person who holds a certificate of competency which corresponds to the type of work performed by the person.

(b) “Safety sensitive function” means:

(1) The delivery of LP gas to a container.

(2) The manufacture, fabrication, assembly, installation or repair of any system, container, apparatus or appliance for the storage, transportation, dispensation or utilization of LP gas.

Sec. 7. NAC 590.235 is hereby amended to read as follows:

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

2. The Board may ~~recover license~~ :

(a) Recover license fees and investigative costs from, and impose penalty fees ~~from~~ on, unlicensed dealers, sellers, installations and facilities.

(b) Recover investigative costs from and impose penalty fees on a person or business that supplies an unlicensed dealer, seller, installation or facility.

3. The ~~[minimum]~~ license fee recovery is the ~~[amount]~~ *sum* of the current license fee ~~[charged for the year preceding the violation and the maximum license fee recovery is the period of the violation.]~~ *multiplied by the number of years of unlicensed operation.* The *amount of 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]~~ *the* license ~~[fees.]~~ *fee recovery multiplied by five.*

4. For the purposes of calculating the license fee recovery and penalty fees pursuant to this ~~[subsection.]~~ *section*, 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. 8. NAC 590.240 is hereby amended to read as follows:

590.240 ~~[The]~~

1. Except as otherwise provided in subsection 2, 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 for a business engaged in the delivery of prefilled LP gas exchange cylinders.....	135
Fee for inspecting each site for the storage of prefilled cylinders.....	105

Class 2B:

Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the operation of an LP gas cylinder exchange site.....	65
Fee for inspecting each site where a feage cabinet 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
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Annual fee for a license for a business engaged in the installation or repair of LP gas vapor piping, appliances or venting	135
Class 3B:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the installation or repair of LP gas systems installed on recreational vehicles	135
Class 3C:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the installation or repair of LP gas industrial facilities.....	135
Class 3D:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the installation of LP gas vehicle fuel systems.....	135
Class 3E:	
Fee for an application for a license.....	70
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	135
Class 4:	
Fee for an application for a license.....	70
Annual fee for a license for a business that operates a dispenser at a fixed location for the resale of propane to the public	135

Fee for inspecting each dispensing unit..... 105

Class 5:

Fee for an application for a license..... 70

Annual fee for a license for a business engaged in activities relating
to LP gas which the Board determines requires a special license 135

Fee for inspecting each storage tank or vaporizer 105
plus any other
expenses related
to the inspection.

Miscellaneous Fees:

Fee for an application for a variance 70
plus any other
expenses related
to the variance.

~~Fee for an application to establish a new qualified person 70~~

~~Fee for the issuance or renewal of a qualified person certificate 25~~

Fee for an application for a certificate of competency 70

Fee for the issuance or renewal of a certificate of competency ~~75~~ 35

2. The Board will reduce the license and inspection fees charged to a holder of multiple classifications at the same physical location by 15 percent of the total amount of license and inspection fees that would otherwise be charged to the holder.

Sec. 9. NAC 590.280 is hereby amended to read as follows:

590.280 1. ~~[A]~~ *Each* person ~~[licensed pursuant to NRS 590.465 to 590.645, inclusive,]~~ *who holds a class 1A, 1B or 2A license* shall disclose the following information to his customers and prospective customers:

(a) The prices per unit of sales of LP gas, the effective dates of those prices and any figures required to convert those prices to prices per gallon, cubic feet ~~[and]~~ *or* therms.

(b) Any charges for ~~[special deliveries,]~~ *services*, including, ~~[but not limited to:~~
~~—(1) Charges for deliveries which are not on a scheduled route.~~
~~—(2) Charges for bulk deliveries.~~
~~—(3) Differences in]~~ *without limitation:*

(I) The amount and description of all charges for deliveries, including, without limitation:

(I) Charges for deliveries which are not on a scheduled route.

(II) Charges for minimum ~~[delivery prices.~~
~~—(4)]~~ *deliveries.*

(III) Charges for deliveries made on weekends or after hours.

~~[(5)]~~ *(2) Initial charges and conditions for beginning service.*

(3) Charges for labor.

(c) The annual fee for ~~[renting]~~ *leasing* a ~~[tank]~~ *container* for *the storage of* LP gas.

2. Each time LP gas is delivered to a customer, ~~[the]~~ *a* person ~~[licensed pursuant to NRS 590.465 to 590.645, inclusive,]~~ *who holds a class 1A, 1B or 2A license* shall disclose upon the delivery ticket ~~[:]~~ *or sales receipt:*

(a) The volume of LP gas delivered;

(b) The price per gallon, cubic foot or therm of LP gas delivered; and

(c) The total amount of the sale.

3. The information required to be disclosed pursuant to subsection 1 must be:

(a) Disclosed by telephone request.

(b) Printed in a standard format established by the licensee and displayed conspicuously in the licensee's place of business not later than the beginning of the business day on which the prices and charges become effective. The licensee may include any additional information if he so desires.

4. A licensee shall notify each new customer that the Board has published a "Consumer Bill of Rights" and that a copy may be obtained from the Board at the Internet address <http://www.lpg.nv.gov> or by calling the Board at (775) 687-4890.

Sec. 10. NAC 590.311 is hereby amended to read as follows:

590.311 ~~{1,}~~ The Board may grant the following certificates of competency:

~~{(a)}~~ **1.** Type ~~{1,}~~ **LEGAL**, to a person who is engaged in the ~~{retail of LP gas.~~
~~{(b)}~~ *management of a business with a classification of 1A, 1B or 2A.*

2. Type ~~{2A,}~~ **CYLINDER**, to a person who is engaged in the *repair, installation, filling and* delivery of LP gas exchange cylinders.

~~{(c)}~~ **3.** Type ~~{3A,}~~ **PIPING**, to a person who is engaged in the installation ~~{and}~~ *or* repair of LP gas ~~{vapor}~~ piping . ~~{, appliances and venting.~~

~~{(d)}~~ **4.** Type ~~{3B,}~~ **RECREATIONAL VEHICLE**, to a person who is engaged in the installation or repair of LP gas systems on recreational vehicles.

~~{(e)}~~ **5.** Type ~~{3C,}~~ **INDUSTRIAL**, to a person who is engaged in the installation or repair of LP gas industrial facilities ~~{.~~
~~{(f)}~~ *, bulk plants, vaporizers and dispensers.*

6. Type ~~{3D,}~~ *CARBURETION*, to a person who is engaged in the installation of LP gas vehicle fuel systems.

~~{g}~~ 7. Type ~~{3E,}~~ *INSTALL*, to a person who is engaged ~~[in activities relating to]~~ *in the installation or repair of* 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.]~~ *containers, the installation of regulators, the performance of leak checks and the placement of appliances back into service.*

8. Type *BULK*, to a person who is engaged in the bulk delivery of LP gas, the performance of leak checks and the placement of appliances back into service.

9. Type *RAIL*, to a person who is engaged in the unloading of LP gas railroad tank cars and the loading and unloading of LP gas cargo tanks.

10. Type *APPLIANCE*, to a person who is engaged in the installation or repair of LP gas appliances.

11. Type *VENTING*, to a person who is engaged in the installation or repair of LP gas appliance venting.

12. Type *FLAME EFFECTS*, to a person who is engaged in the installation or operation of LP gas flame effects.

Sec. 11. NAC 590.315 is hereby amended to read as follows:

590.315 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.

4. Each person who holds a certificate of competency granted pursuant to NAC 590.311 may apply for an additional certificate of competency pursuant to this section without paying an additional fee.

Sec. 12. NAC 590.320 is hereby amended to read as follows:

590.320 1. ~~[Each]~~ *Except as otherwise provided in subsection 2, each* applicant for a certificate of competency must submit to an oral or written examination, or both.

2. The Board may waive the examination requirement set forth in subsection 1 if an applicant submits to the Board proof that the applicant is certified by a public agency or private entity which the Board determines imposes requirements for certification that are substantially similar to the examination requirements established by the Board.

3. The Board may, upon good cause shown, require the holder of a certificate of competency to submit to an oral 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.

4. The Board will establish and maintain a list of all certifications that the Board determines satisfy the requirements of subsection 2. If the certification an applicant seeks to use for the purposes of subsection 2 is not on the list, the applicant may request that the Board review and approve the certification held by the applicant.

Sec. 13. NAC 590.340 is hereby amended to read as follows:

590.340 Upon qualification or renewal as provided in NAC ~~[590.300]~~ *590.311* to 590.380, inclusive, *and section 6 of this regulation* a person will receive a certificate of competency, properly dated and numbered, from the Board.

Sec. 14. NAC 590.350 is hereby amended to read as follows:

590.350 Each certificate of competency ~~[expires on June 30 of the third year following the]~~ *is valid for 1 year and expires on the last day of the month in which* the certificate ~~[is] was~~ issued.

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

590.360 A person may renew a certificate of competency if he:

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

2. ~~[Completes]~~ *During the period the certificate is valid, completes* at least ~~[20]~~ *8* continuing education units from any course *which was* approved by the Board ~~[not later than April 30 of the year in which]~~ *before* 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.]; or~~

3. *Provides proof of continuous employment in the area specified on his or her certificate of competency during the period the certificate was valid.*

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

590.380 1. If a certificate *of competency* 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 or written examination, or both.]~~ *completion of an application for renewal.*

2. An order by the Board suspending a certificate *of competency* 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 **of competency**, the Board will not renew the original certificate until the holder of the certificate passes the prescribed oral or written examination, or both.

4. An application for the issuance of a new certificate **of competency** 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 **of competency** 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 or written examination, or both.

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

7. If a certificate of competency is issued to a person pursuant to subsection 2 of NAC 590.320, the Board may suspend or revoke the certificate of competency issued pursuant to that subsection if the Board determines that the certification issued to the person by another public agency or private entity has been suspended or revoked by the public agency or private entity.

Sec. 17. NAC 590.560 is hereby amended to read as follows:

590.560 1. Any person who disconnects a container from service shall immediately:

(a) Secure the container against tampering; and

(b) Secure the container against leakage by plugging the service valve or by any other method approved by the Board.

2. Upon receipt of a written request from a customer to remove a container from his premises, a person licensed by the Board pursuant to NRS 590.575 in class 1 or class 2 shall, except as otherwise provided in subsection 3, remove the container within 30 days after the receipt of the request.

3. The time limitation set forth in subsection 2 may be extended:

(a) By not more than 15 days, if both the customer and licensee agree in writing to the extension;

(b) By not more than 30 days, if the safety inspector employed by the Board determines that extenuating circumstances, such as severe weather, necessitate the extension; or

(c) By more than 30 days, if the Board, upon the request of the customer or licensee, determines that circumstances necessitate the extension.

4. A licensee shall not charge a fee to a customer solely for the termination of service by the customer.

Sec. 18. NAC 590.600 is hereby amended to read as follows:

590.600 The Board adopts by reference the regulations contained in ~~Publication 58,~~ NFPA 58: Liquefied Petroleum Gas Code, ~~2001~~ 2008 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 ~~2001~~ 2008 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,~~

02269, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of ~~[\$38.25.]~~ *\$42.75 for members and \$47.50 for nonmembers.*

Sec. 19. NAC 590.610 is hereby amended to read as follows:

590.610 The Board adopts by reference the regulations contained in ~~[Publication 54,]~~ [NFPA 54: National Fuel Gas Code](#), ~~[2002]~~ **2009** 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 ~~[2002]~~ **2009** 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,]~~ **02269**, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of ~~[\$38.25.]~~ *\$42.75 for members and \$47.50 for nonmembers.*

Sec. 20. NAC 590.615 is hereby amended to read as follows:

590.615 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,]~~ **02269**, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of ~~[\$27.]~~ **\$33.30 for members and \$37.00 for nonmembers.**

Sec. 21. NAC 590.620 is hereby amended to read as follows:

590.620 The Board adopts by reference the regulations contained in ~~[Publication 501A,]~~ **NFPA 501A:** *Standard for Fire Safety Criteria for Manufactured Home Installations, Sites , and Communities*, ~~[2000]~~ **2005** 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 ~~[2000]~~ **2005** 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,]~~ **02269**, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of ~~[\$24.50.]~~ **\$28.35 for members and \$31.50 for nonmembers.**

Sec. 22. NAC 590.640 is hereby amended to read as follows:

590.640 The Board adopts by reference the regulations contained in ~~[Publication 1192,]~~ **NFPA 1192:** *Standard on Recreational Vehicles*, ~~[2002]~~ **2008** 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 ~~2002~~ 2008 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,~~ 02269, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of ~~[\$28.75.]~~ \$33.30 for members and \$37.00 for nonmembers.

Sec. 23. NAC 590.255, 590.300, 590.470 and 590.540 are hereby repealed.

Sec. 24. 1. This section and sections 1, 2 and 4 to 23, inclusive, of this regulation become effective on December 16, 2010.

2. Section 3 of this regulation becomes effective on December 16, 2011.

TEXT OF REPEALED SECTIONS

590.255 Class 3 license: Examination. (NRS 590.505, 590.515, 590.549) An applicant for a class 3 license must pass an oral and written examination conducted by the Board unless he is the holder of a certificate of competency issued pursuant to NAC 590.340.

590.300 Qualified person: Prerequisites to licensing; replacement; certification; employment on standby basis. (NRS 590.505, 590.515, 590.549, 590.605)

1. No original license will be issued and no license for an established 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, 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, 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 a qualified person certificate to the licensee that identifies the qualified person connected with the licensee in a supervisory capacity.

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.

590.470 Skid tanks. (NRS 590.505, 590.515, 590.519, 590.521) Unless installed in compliance with NAC 590.450 to 590.530, inclusive, skid tanks must not be used at any location for more than 180 days without written approval from the Board.

590.540 Limitations regarding transportation. (NRS 590.505, 590.515, 590.519, 590.521) In accordance with § 6-5.2.1 of Publication 58 issued by the National Fire Protection Association and adopted by reference in NAC 590.600, the Board hereby specifies the following limitations regarding the transportation of containers which contain LP gas:

1. Without a permit issued pursuant to this section, a person shall not transport a container which has a volumetric water capacity of 125 or more gallons if the container contains more LP gas than 5 percent of its water capacity.

2. Except as otherwise provided in this subsection, the safety inspector employed by the Board may, through the issuance of a permit, authorize a licensee to transport such containers. In no case may the containers so transported exceed a volumetric water capacity of 600 gallons.

3. The safety inspector shall not issue such a permit unless the licensee applies for such a permit and, before the issuance of the permit, demonstrates to the inspector's satisfaction that the licensee possesses the equipment, trained personnel and personal expertise which are necessary to remove and transport such containers safely.

NOTICE OF ADOPTION OF REGULATION

The Nevada Board for the Regulation of Liquefied Petroleum Gas adopted regulations assigned LCB File No. R073-10 that pertain to chapter 590 of the Nevada Administrative Code on **November 19, 2010**. A copy of the regulations as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 LCB FILE R073-10

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 590

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 and the State Library. Additionally, notices were sent to persons and entities subscribing to the Board's mailing list as well as being posed on the Board's website.. 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 October 16, 2009, April 22, 2010, and November 19, 2010. 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:** 13
- (b) **Testified at each hearing:** 2
- (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. 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 November 19, 2010 with no substantive changes to the proposed regulation, except for sections 4, 6, and 8. There was no public comment adverse to the regulation, except for section 6 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 approximate \$9 increase in the cost of five publications adopted by reference to reflect the publisher's higher prices.

The beneficial effects of the regulations, both immediate and long term, include the elimination of the Qualified Person application and certificate fees. An increase in public safety by requiring all persons performing safety sensitive functions to obtain a certificate of competency which will verify they meet minimum training requirements and a 15% reduction in fees for multiple license holders.

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 current \$75 (3 year) certificate of competency (COC) fee will be changed to a \$35 (annual) fee. This fee will be charged to all persons who perform safety sensitive functions and are required to hold a COC. This will result in an estimated annual increase in revenue to the Board of \$5,089.

The Board is eliminating the Qualified Person (QP) application and certificate fees which will result in an estimated reduction of annual fees to the Board of \$5,280. This combined with the 15% reduction of fees for multiple license holders that will result in an estimated annual reduction of fees to the Board of \$3,061.

The combined total of fee increases and decreases will be an estimated annual LOSS of income to the Board of \$3252