

LIQUEFIED PETROLEUM GAS AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Patrick Painter

LONG TITLE

General Description:

This bill amends Title 53, Chapter 7, Utah Fire Prevention and Safety Act, by modifying licensing and certification requirements for users of liquefied petroleum gas.

Highlighted Provisions:

This bill:

- ▶ defines the term "final consumer;"
- ▶ exempts a vendor of liquefied petroleum gas from license or certification requirements when:

- the liquefied petroleum gas is sold to a final consumer; or
- the liquefied petroleum gas is stored, transferred, or used by a final consumer;

and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-302, as last amended by Laws of Utah 1994, Chapter 120

53-7-308, as renumbered and amended by Laws of Utah 1993, Chapter 234

Be it enacted by the Legislature of the state of Utah:

30 Section 1. Section **53-7-302** is amended to read:

31 **53-7-302. Definitions.**

32 As used in this part:

33 (1) "Board" means the Liquefied Petroleum Gas Board created in Section 53-7-304.

34 (2) "Container" means any vessel, including cylinders, tanks, portable tanks, and cargo
35 tanks used for transporting or storing liquefied petroleum gases, except containers subject to
36 regulation and inspection by the Department of Transportation and under federal laws or
37 regulations.

38 (3) "Distributor" means any person engaged in the distribution of liquefied petroleum
39 gas, either wholesale or retail, including a commercial carrier, as identified by the Department
40 of Transportation or the Interstate Commerce Commission, who transports or hauls liquefied
41 petroleum gas that is to be distributed or sold within this state.

42 (4) "Enforcing authority" means the division, the municipal or county fire department,
43 another fire-prevention agency acting within its jurisdiction, or the building official of any city
44 or county and his authorized representatives.

45 (5) "Final consumer" means an individual or business who is the ultimate user of LPG.

46 [~~5~~] (6) "Gas appliance" means any device that uses liquefied petroleum gas to
47 produce light, heat, power, steam, hot water, refrigeration, or air conditioning.

48 [~~6~~] (7) "Installer" means any person who has satisfactorily passed an examination
49 under the supervision of the board, testing his knowledge and ability to install or properly
50 repair domestic systems, industrial systems, liquefied petroleum gas carburetion systems, bulk
51 plant systems, standby plant systems, or other similar systems, and who holds an installer's
52 certificate under this part.

53 [~~7~~] (8) "Licensee" means a person licensed by the board to engage in the liquefied
54 petroleum gas business.

55 [~~8~~] (9) "Liquefied petroleum gas" means any material having a vapor pressure not
56 exceeding that allowed for commercial propane and composed predominantly of the following
57 hydrocarbons, either by themselves or as mixtures: propane, propylene, butane, normal butane,

58 or isobutane, and butylene, including isomers.

59 ~~[(9)]~~ (10) "Liquefied petroleum gas carburetion system" means any carburetion system
60 using liquefied petroleum gas as a fuel in a motor vehicle.

61 ~~[(10)]~~ (11) "Liquefied petroleum gas fueling system" means an assembly consisting of
62 compressors, containers, piping, and other delivery devices for the purpose of dispensing
63 liquefied petroleum gas for use as a fuel in a motor vehicle.

64 ~~[(11)]~~ (12) "LPG" means liquefied petroleum gas.

65 ~~[(12)]~~ (13) "Person" means any individual, firm, partnership, joint venture, association,
66 corporation, estate, trust, or any other group or combination acting as a unit, and includes:

67 (a) a husband, wife, or both where joint benefits are derived from the operation of a
68 business or activity subject to this part; and

69 (b) any state, county, municipality, or other agency engaged in a business or activity
70 subject to this part.

71 ~~[(13)]~~ (14) "Red tag" means a card or device, red in color, containing printed notice of
72 the condemnation of a liquefied petroleum gas system as a result of a violation of this part, or
73 any rules or orders made by the board; the tag, when attached to the system, is official notice of
74 condemnation and of the prohibition of further use, so long as the red tag remains lawfully
75 affixed.

76 ~~[(14)]~~ (15) "System" means an assembly consisting of one or more containers with a
77 means for conveying LPG from the container or containers to dispensing or consuming
78 devices, either continuously or intermittently, and that incorporates components intended to
79 achieve control of quantity, flow, and pressure or state, either liquid or vapor.

80 Section 2. Section **53-7-308** is amended to read:

81 **53-7-308. Licenses and certificates.**

82 A person may not engage in any of the following activities related to LPG unless ~~[he]~~
83 the person has obtained an authorizing license or certification from the board:

84 (1) container activities~~[:]~~, including the manufacture, assembly, repair, sale,
85 installation, or subframing of containers for use in this state, except that a license is not

86 required for the sale of new containers of 96 pounds water capacity or less;

87 (2) systems activities, including:

88 (a) the installation, service, or repair of LPG systems for use in this state [~~including~~
89 ~~the~~]; and

90 (b) laying or connecting of pipes and fittings connecting with or to systems or servicing
91 a system and appliances to be used with LPG as a fuel;

92 (3) appliance activities[~~;~~], including the service, installation, or repair of appliances
93 used or to be used in this state in connection with systems using LPG as a fuel; or

94 (4) product activities[~~;~~], including the sale, transportation, dispensation, or storage of
95 LPG in this state, except that a license or certification is not required [~~to sell LPG where the~~
96 ~~vendor never obtains~~] for a person:

97 (a) who sells LPG but does not obtain possessory rights to the product sold; or [~~where~~]

98 (b) when the product is [~~transported or~~] stored, transferred, or used by the [~~ultimate~~]
99 final consumer [~~for personal consumption only~~].