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CHRISTI CRADDICK, COMMISSIONER
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RAILROAD COMMISSION OF TEXAS

OFFICE OF GENERAL COUNSEL

MEMORANDUM




TO: Chairman Wayne Christian
Commissioner Christi Craddick
Commissioner Jim Wright

FROM: Haley Cochran, Attorney, Office of General Counsel

THROUGH: Alexander C. Schoch, General Counsel

DATE: April 27, 2022

SUBJECT: Proposed Amendments to 16 TAC Chapter 9,
relating to LP-Gas Safety Rules

May 3, 2022		
Approved	Denied	Abstain
^{DS} 		
^{DS} 		
^{DS} 		

Staff recommends publishing proposed amendments to 16 Texas Administrative Code Chapter 9, relating to LP-Gas Safety Rules. The amendments and new rules are proposed to incorporate provisions of Senate Bill 1582 (SB 1582) and Senate Bill 1668 (SB 1668), both enacted during the 87th Texas Legislative Session (Regular Session, 2021).

Senate Bill 1582 amended Natural Resources Code sections 113.087 and 113.088 to provide for licensing and registration examination to be performed by a proctoring service. Senate Bill 1668 added Natural Resources Code section 113.0955 to require the Commission to waive its certification requirements for an individual who completes training consistent with the guidelines established by the Propane Education & Research Council (PERC) and complies with certain examination requirements. Staff also proposes additional amendments as described in the attached materials.

Staff requests the Commission’s approval to publish the proposed amendments in the *Texas Register* for public comment. If approved at conference on May 3rd, the proposal should appear in the May 20th issue of the *Texas Register*. The proposal and an online comment form would also be made available on the Commission’s website, giving interested persons more than two additional weeks to review and submit comments to the Commission.

cc: Wei Wang, Executive Director
Kari French, Director, Oversight and Safety Division
April Richardson, Director, Alternative Fuels Safety

1 The Railroad Commission of Texas (Commission) proposes amendments to the following rules in
2 Subchapter A, General Requirements: §9.2, Definitions; §9.6, License Categories, Container
3 Manufacturer Registration, and Fees; §9.7, Applications for Licenses, Manufacturer Registrations, and
4 Renewals; §9.8, Requirements and Application for a New Certificate; §9.10, Rules Examination; §9.16,
5 Hearings for Denial, Suspension, or Revocation of Licenses, Manufacturer Registrations, or Certificates;
6 §9.22, Changes in Ownership, Form of Dealership, or Name of Dealership; §9.26, Insurance and Self-
7 Insurance Requirements; §9.51, General Requirements for LP-Gas Training and Continuing Education;
8 §9.52, Training and Continuing Education; §9.54, Commission-Approved Outside Instructors; and
9 proposes new §9.20, DOT Cylinder Filler Certificate Exemption; and §9.55, PERC Outside Instructor
10 Training.

11 In Subchapter B, LP-Gas Installations, Containers, Appurtenances, and Equipment Requirements,
12 the Commission proposes amendments to §9.126, Appurtenances and Equipment; §9.130, Commission
13 Identification Nameplates; §9.134, Connecting Container to Piping; §9.140, System Protection
14 Requirements; §9.141, Uniform Safety Requirements; §9.142, LP-Gas Container Storage and Installation
15 Requirements; and §9.143, Piping and Valve Protection for Stationary LP-Gas Installations with
16 Individual or Aggregate Water Capacities of 4,001 Gallons or More.

17 In Subchapter C, Vehicles, the Commission proposes amendments to §9.202, Registration and
18 Transfer of LP-Gas Transports or Container Delivery Units, and §9.211, Markings.

19 In Subchapter E, Adoption by Reference of NFPA 58 (LP-Gas Code), the Commission proposes
20 amendments to §9.403, Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or
21 Additional Requirements.

22 The Commission proposes the amendments and new rules to incorporate provisions of Senate Bill
23 1582 (SB 1582) and Senate Bill 1668 (SB 1668), both enacted during the 87th Texas Legislative Session
24 (Regular Session, 2021). Additional amendments are proposed as discussed in the following paragraphs.
25

26 *Senate Bill 1668*

27 Senate Bill 1668 added Natural Resources Code section 113.0955, which requires the
28 Commission to waive its certification requirements for an individual who completes training consistent
29 with the guidelines established by the Propane Education & Research Council (PERC) and complies with
30 certain examination requirements. To incorporate this exemption, the Commission proposes amendments
31 to the following rules: the definition of "certificate holder" in §9.2(5)(E) to include in the definition a
32 person who holds a current DOT cylinder filler exemption; §9.8 to add new subsection (d) stating that an
33 applicant for a new DOT cylinder filler certificate exemption shall comply with requirements of proposed
34 new §9.20, which describes how an individual may apply for a DOT cylinder filler certificate exemption.

1 Proposed §9.20 provides two processes through which an individual may obtain the DOT
2 cylinder filling exemption created by SB 1668. First, an individual may complete training and
3 examination directly with PERC. An applicant for an exemption pursuant to this process in §9.20(1) must
4 submit new LPG Form 16P, which will be proposed separately from the proposed amendments to Chapter
5 9. The applicant must also provide confirmation from PERC that the individual completed the PERC
6 “Dispensing Propane Safely -- Small Cylinder” course and corresponding examination. Proposed new
7 §9.20(1)(A)(ii)(III) states an effective date of July 18, 2022; this is the date the Commission expects the
8 amendments will go into effect. However, the Commission will specify the correct effective date when
9 the proposal is adopted.

10 The second process through which an individual may obtain the DOT cylinder filler certificate
11 exemption is proposed in §9.20(2). This process requires an individual to complete an approved PERC
12 based course under the supervision of a PERC outside instructor in accordance with §9.55, relating to
13 PERC Outside Instructor Training.

14 Proposed §9.20(3)-(10) specify additional requirements for individuals who receive the DOT
15 cylinder filler certificate exemption. Proposed §9.20(4) requires that individuals who are issued the
16 exemption comply with certain Commission rules, which are not covered by the PERC Dispensing
17 Propane Safely course. Proposed §9.20(6) clarifies that the exemption does not apply to individuals who
18 fill containers mounted on a vehicle for mobile or motor fuel. Those individuals must meet the
19 requirements of §9.8, relating to Requirements and Application for a New Certificate.

20 Other related amendments in §9.51(b) and (d)(4) and §9.52(a)(2)(C)(iv) add references to the
21 DOT cylinder filler certificate exemption; and proposed new §9.52(h) provides continuing education
22 credit for completion of a PERC outside instructor course. This is also reflected in proposed changes to
23 Figure 16 TAC §9.52(g)(1).

24 Finally, proposed new rule §9.55 contains the requirements for being approved as a PERC outside
25 instructor such that an individual who takes courses and examinations administered by the PERC outside
26 instructor is eligible for the DOT cylinder filler certificate exemption. The requirements of proposed new
27 §9.55 are consistent with the existing requirements for outside instructors in §9.54, relating to
28 Commission-approved outside instructors, including the \$300 registration fee. Proposed §9.55(a) states
29 that AFS may award training and certification or continuing education credit to DOT cylinder filling
30 employee-level applicants and certificate holders for courses administered by a PERC outside instructor
31 provided the PERC outside instructor complies with the requirements of §9.55. The PERC outside
32 instructor may only offer training consistent with the guidelines established by the PERC Dispensing
33 Propane Safely -- Small Cylinder course. The PERC instructor may use recorded training videos but shall
34 proctor the course examination. A PERC outside instructor must also be employed by a company licensed

1 to perform DOT cylinder filling activities and must be able to show the instructor has experience in
2 performing or supervising LP-gas activities. Proposed §9.55 specifies procedures for applying to be a
3 PERC outside instructor, which will include submission of a form to be proposed separately from the
4 proposed amendments to Chapter 9. Procedures are also proposed for obtaining approval of course
5 materials, training PERC outside instructors, revising course materials, maintaining approved PERC
6 outside instructor status, and reporting information on completed courses and exams to AFS. Importantly,
7 §9.55 (c) and (d) require PERC outside instructors to include training on Commission rules 9.135, 9.136,
8 9.137, 9.141(d) and (g), and the entry for NFPA 58 §7.4.3.1 in Figure 9.403, and to attend the Train-the-
9 Trainer course. These requirements ensure PERC outside instructors are preparing prospective DOT
10 cylinder filler exemption holders to comply with Commission rules in addition to requirements included
11 in PERC based training.

12

13 *Senate Bill 1582*

14 Senate Bill 1582 amended Natural Resources Code sections 113.087 and 113.088 to provide for
15 licensing and registration examination to be performed by a proctoring service. The bill also removed the
16 requirement that a testing service that administers an examination collect a nonrefundable examination
17 fee on behalf of the Commission. The Commission proposes amendments in §9.10(c)(1)(c) to incorporate
18 the use of an online testing or proctoring service and in subsection (c)(4)(F) to ensure any required fee is
19 paid to the testing or proctoring service in addition to the Commission's examination fee. A similar
20 reference is proposed in subsection (e).

21

22 *House Bill 2714 (86th Legislature, 2019)*

23 The Commission previously adopted amendments to implement House Bill 2714 from the 86th
24 Legislative Session regarding manufacturer registration. During the rulemaking to implement the
25 requirements of House Bill 2714, the Commission failed to add a reference to manufacturer registration in
26 §9.26. Proposed amendments in §9.26(a) add the reference to manufacturer registration.

27

28 *Other Proposed Amendments*

29 In §9.2, the Commission proposes removing the definitions of "Advanced field training (AFT)"
30 and "AFT materials." The commission also proposes removing AFT requirements and references
31 throughout the chapter because AFT is no longer required. These amendments are proposed in §§9.8,
32 9.52, and 9.54. The Commission also proposes removing the definition of "repair to container" in §9.2
33 and instead proposes clarification regarding cylinder repair in §9.6(e). Changes made to or maintenance
34 of a cylinder or cargo tank excluded from the definition of repair in 49 CFR §§180.203, 180.403, and

1 180.413 do not require a license. In §9.6(b)(14) the Commission proposes adding a reference to 25
2 horsepower, and in §9.6(d) adding “subframing,” both of which were inadvertently omitted from
3 previously adopted amendments in Chapter 9.

4 The Commission proposes new §9.7(i) to move the text from §9.140, relating to System
5 Protection Requirements, so that the requirement for a 24-hour emergency telephone number is included
6 as part of the Commission’s licensing requirements. The Commission proposes the addition of “A2” in
7 §9.7(m)(2) because this license category was inadvertently omitted from previously adopted amendments
8 in Chapter 9. New subsection (m)(3) is proposed to ensure the license categories repairing or testing
9 ASME containers are filing the correct certificate of authorization from ASME and to address situations
10 in which ASME is unable to issue authorization prior to a license expiration date.

11 The Commission proposes a change in §9.10(d)(1)(G) to clarify that the Recreational Vehicle
12 Technician examination qualifies an individual to install and repair appliances on recreational vehicles in
13 addition to the activities listed in existing (d)(1)(G). In §9.16(e)(3), §9.22(a)(2), and §9.130, the
14 Commission proposes to correct references to AFS and remove requirements for mailing; and in §9.51
15 and §9.52 (e) and (f) proposes clarifying changes regarding AFS scheduling and registration for courses
16 to reflect current Commission practice.

17 The Commission proposes removing outdated tables from existing §9.52(h) and proposes changes
18 to list available continuing education courses in §9.52(e) and (f). Proposed changes in §9.52(i),
19 renumbered as proposed subsection (g), clarify that CETP courses are now only offered for employee-
20 level certificate holders. These changes are also reflected in new Figure 16 TAC §9.52(g)(1).

21 In §9.126 and §9.143, the Commission proposes to change references to pneumatically-operated
22 to pneumatically-actuated because pneumatically-actuated valves can be operated automatically or
23 manually through the use of cables. In §9.134, the Commission proposes new subsection (d) to address
24 situations where LPG Form 22 is required but an LP-gas licensee does not know who the previous
25 installer was. In §9.140(g), the Commission proposes new wording to address protection for cylinders in
26 the horizontal position. Cylinders in the vertical position are not addressed separately because the cages
27 required by NFPA 58 §8.4.2.2 were determined to be sufficient protection in a study by the Southwest
28 Research Institute.

29 Some proposed amendments clarify previously adopted amendments regarding the National Fire
30 Protection Association (NFPA) standards. These amendments are not substantive but were inadvertently
31 omitted from the previous adopted amendments in Chapter 9. The amendments proposed to clarify
32 NFPA updates are found in §9.140I(1) and (3), (d)(3), (f)(3) and (4), and (g)(2), and §9.141(b)(3) and (i),
33 §9.142(b), and §9.211(b).

34 The Commission proposes amendments to §9.202, relating to Registration and Transfer of LP-

1 Gas Transports or Container Delivery Units, to coincide with the proposal of new forms, which will be
2 proposed separately from these proposed amendments to Chapter 9.

3 The Commission also proposes changes to the Figure in §9.403. The Figure shows text from
4 certain sections in NFPA 58 which the Commission has not adopted or has adopted with changes or with
5 additional requirements. The text shown as underlined in the Figure indicates text that the Commission
6 has added or changed from the NFPA 58 wording; the text shown with strike-outs indicates text that the
7 Commission has deleted from the NFPA 58 text. In the case of this Figure, the underlining and strike-outs
8 are retained in the adopted version of the Figure to show the changes. In this proposal, the specific
9 changes to the Figure are found on the following rows: the rows for 5.2.8.1, 6.13.5, and 6.27.3.17 which
10 correct a typographical error in the reference to §9.140(f) and the row for 6.8.2.1 which corrects a
11 typographical error in the NFPA 58 section number. The row for 6.19.2 is being changed from an
12 additional requirement to being adopted with changes; the Commission proposes to retain the wording of
13 6.19.12, including paragraphs (A) and (B), but adopts paragraph (C) to require compliance with §9.116.
14 The addition of row 6.27.5.2 corrects an error from NFPA in the 2020 edition of NFPA 58; the change in
15 the Figure ensures consistency with the NFPA tentative interim amendment issued for the 2020 version of
16 NFPA 58, which the Commission has not yet adopted. In the row for 6.29.3.2, the Commission changes
17 the wording to include the specific date of September 1, 2022, instead of the reference to two years from
18 the effective date of the code.

19 April Richardson, Director, Alternative Fuels Safety Department, has determined that there will
20 be a one-time cost to the Commission of approximately \$404 in programming costs based on four hours
21 of programming to implement a new fee code associated with new LPG Form 16P. This cost will be
22 covered using the Commission's existing budget. There are no anticipated fiscal implications for local
23 governments as a result of enforcing the amendments and new rule.

24 Ms. Richardson has determined that there will be costs for those seeking a DOT Cylinder
25 Filler Certificate Exemption pursuant to Natural Resources Code section 113.0955. The cost is \$40 per
26 applicant for an exemption. However, an individual seeking certification to perform LP-gas activities
27 must pay \$40 regardless of whether the individual is certified through the exemption process or the
28 examination process. Therefore, the proposed amendments do not increase the cost for individuals
29 seeking certification through the DOT cylinder filler exemption. In addition, an individual seeking to
30 become an approved PERC outside instructor would be required to pay a \$300 registration fee. The \$300
31 registration fee is already required for individuals seeking to become outside instructors. Further, due to
32 changes made by SB 1582, persons required to comply with the proposed amendments will incur the cost
33 of taking an examination administered by a testing or proctoring service. The testing or proctoring service
34 will determine the fee. There are no other anticipated costs for persons required to comply with the

1 proposed amendments.

2 Ms. Richardson has also determined that the public benefit anticipated as a result of
3 enforcing or administering the amendments will be compliance with recent changes to the Texas Natural
4 Resources Code and increased public safety due to clarification of NFPA standards.

5 In accordance with Texas Government Code, §2006.002, the Commission has determined
6 there will be no adverse economic effect on rural communities, small businesses or micro-businesses
7 resulting from the proposed amendments and new rule; therefore, the Commission has not prepared the
8 economic impact statement or the regulatory flexibility analysis required under §2006.002.

9 The Commission has determined that the proposed rulemaking will not affect a local
10 economy; therefore, pursuant to Texas Government Code, §2001.022, the Commission is not required to
11 prepare a local employment impact statement for the proposed rules.

12 The Commission has determined that the proposed amendments and new rule do not meet
13 the statutory definition of a major environmental rule as set forth in Texas Government Code,
14 §2001.0225; therefore, a regulatory analysis conducted pursuant to that section is not required.

15 During the first five years that the rules would be in effect, the proposed amendments would
16 not: create or eliminate a government program; create or eliminate any employee positions; require an
17 increase or decrease in future legislative appropriations; create a new regulation; or affect the state's
18 economy. The proposed amendments could increase fees paid to the agency depending on the amount of
19 PERC outside instructor applications the Commission receives. The proposed amendments decrease the
20 number of individuals subject to the Commission's examination requirements and limit the examination
21 rules' applicability. However, the Commission was required to waive the examination requirements by
22 Senate Bill 1668. The amendments are proposed to align Commission rules with governing state statutes
23 and national standards.

24 Comments on the proposal may be submitted to Rules Coordinator, Office of General
25 Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at
26 www.rrc.texas.gov/general-counsel/rules/comment-form-for-proposed-rulemakings; or by electronic mail
27 to rulescoordinator@rrc.texas.gov. The Commission will accept comments until 5:00 p.m. on Friday,
28 June 3, 2022. The Commission finds that this comment period is reasonable because the proposal and an
29 online comment form will be available on the Commission's website more than two weeks prior to Texas
30 Register publication of the proposal, giving interested persons additional time to review, analyze, draft,
31 and submit comments. The Commission cannot guarantee that comments submitted after the deadline will
32 be considered. For further information, call Ms. Richardson at (512) 463-6935. The status of Commission
33 rulemakings in progress is available at www.rrc.texas.gov/general-counsel/rules/proposed-rules.

34 The Commission proposes the amendments under Natural Resources Code sections 113.087

1 and 113.088, amended by Senate Bill 1582 (87th Legislature, Regular Session), and Natural Resources
2 Code section 113.0955, added by Senate Bill 1668 (87th Legislature, Regular Session). The Commission
3 also proposes the amendments under Texas Natural Resources Code, §113.051, which authorizes the
4 Commission to promulgate and adopt rules and standards relating to any and all aspects or phases of the
5 LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

6 Statutory authority: Texas Natural Resources Code, §§113.051, 113.087, 113.088 and
7 113.0955.

8 Cross reference to statute: Texas Natural Resources Code Chapter 113.

9
10 §9.2. Definitions.

11 In addition to the definitions in any adopted NFPA pamphlets, the following words and terms,
12 when used in this chapter, shall have the following meanings, unless the context clearly indicates
13 otherwise.

14 (1) (No change.)

15 [~~(2) Advanced field training (AFT)–The final portion of the training or continuing~~
16 ~~education requirements in which an individual shall successfully perform the specified LP-gas activities~~
17 ~~in order to demonstrate proficiency in those activities.]~~

18 [~~(3) AFT materials–The portion of a Commission training module consisting of the four~~
19 ~~sections of the Railroad Commission's LP-Gas Qualifying Field Activities, including General~~
20 ~~Instructions, the Task Information, the Operator Qualification Checklist, and the Railroad~~
21 ~~Commission/Employer Record.]~~

22 (2) [(4)] Aggregate water capacity (AWC)--The sum of all individual container capacities
23 measured by weight or volume of water which are placed at a single installation location.

24 (3) [(5)] Bobtail driver--An individual who operates an LP-gas cargo tank motor vehicle
25 of 5,000 gallons water capacity or less in metered delivery service.

26 (4) [(6)] Breakaway--The accidental separation of a hose from a cylinder, container,
27 transfer equipment, or dispensing equipment, which could occur on a cylinder, container, transfer
28 equipment, or dispensing equipment whether or not they are protected by a breakaway device.

29 (5) [(7)] Certificate holder--An individual:

30 (A) who has passed the required management-level qualification examination,
31 pursuant to §9.10 of this title (relating to Rules Examination);

32 (B) who has passed the required employee-level qualification examination
33 pursuant to §9.10 of this title;

34 (C) who holds a current reciprocal examination exemption pursuant to §9.18 of
35 this title (relating to Reciprocal Examination Agreements with Other States); [ø]

36 (D) who holds a current examination exemption certificate pursuant to §9.13 of
37 this title (relating to General Installers and Repairman Exemption); or

38 (E) who holds a current DOT cylinder filler certificate exemption pursuant to
39 §9.20 of this title (relating to DOT Cylinder Filler Certificate Exemption).

40 (6) [(8)] Certified-- Authorized to perform LP-gas work as set forth in the Texas Natural
41 Resources Code. Employee certification alone does not allow an individual to perform those activities
42 which require licensing.

43 (7) [(9)] CETP--The Certified Employee Training Program offered by the Propane
44 Education and Research Council (PERC), the National Propane Gas Association (NPGA), or their
45 authorized agents or successors.

1 (8) [(40)] Commercial installation--An LP-gas installation located on premises other than
2 a single family dwelling used as a residence, including but not limited to a retail business establishment,
3 school, bulk storage facility, convalescent home, hospital, cylinder exchange operation, service station,
4 forklift refueling facility, private motor/mobile fuel cylinder filling operation, a microwave tower, or a
5 public or private agricultural installation.

6 (9) [(41)] Commission--The Railroad Commission of Texas.

7 (10) [(42)] Company representative--The individual designated to the Commission by a
8 license applicant or a licensee as the principal individual in authority and, in the case of a licensee other
9 than a Category P licensee, actively supervising the conduct of the licensee's LP-gas activities.

10 (11) [(43)] Container delivery unit--A vehicle used by an operator principally for
11 transporting LP-gas in cylinders.

12 (12) [(44)] Continuing education--Courses required to be successfully completed at least
13 every four years by certificate holders to maintain certification.

14 (13) [(45)] Director--The director of AFS or the director's delegate.

15 (14) [(46)] DOT--The United States Department of Transportation.

16 (15) [(47)] Employee--An individual who renders or performs any services or labor for
17 compensation, including individuals hired on a part-time or temporary basis, on a full-time or permanent
18 basis, and owner-employees.

19 (16) [(48)] Interim approval order--The authority issued by the Railroad Commission of
20 Texas following a public hearing allowing construction of an LP-gas installation.

21 (17) [(49)] Leak grades--An LP-gas leak that is:

22 (A) a Grade 1 leak that represents an existing or probable hazard to persons or
23 property, and requires immediate repair or continuous action until the conditions are no longer hazardous;
24 or

25 (B) a Grade 2 leak that is recognized as being nonhazardous at the time of
26 detection, but requires a scheduled repair based on a probable future hazard.

27 (18) [(20)] Licensed--Authorized by the Commission to perform LP-gas activities
28 through the issuance of a valid license.

29 (19) [(21)] Licensee--A person which has applied for and been granted an LP-gas license
30 by the Commission, or who holds a master or journeyman plumber license from the Texas State Board of
31 Plumbing Examiners or a Class A or B Air Conditioning and Refrigeration Contractors License from the
32 Texas Department of Licensing and Regulation and has properly registered with the Commission.

33 (20) [(22)] LP-Gas Safety Rules--The rules adopted by the Railroad Commission in the
34 Texas Administrative Code, Title 16, Part 1, Chapter 9, including any NFPA or other documents adopted
35 by reference. The official text of the Commission's rules is that which is on file with the Secretary of
36 State's office and available at the Secretary of State's web site or the Commission's web site.

37 (21) [(23)] LP-gas system--All piping, fittings, valves, and equipment, excluding
38 containers and appliances, that connect one or more containers to one or more appliances that use or
39 consume LP-gas.

40 (22) [(24)] Mass transit vehicle--Any vehicle which is owned or operated by a political
41 subdivision of a state, city, or county, used primarily in the conveyance of the general public.

42 (23) [(25)] Mobile fuel container--An LP-gas container mounted on a vehicle to store LP-
43 gas as the fuel supply to an auxiliary engine other than the engine to propel the vehicle or for other uses
44 on the vehicle.

45 (24) [(26)] Mobile fuel system--An LP-gas system, excluding the container, to supply
46 LP-gas as a fuel to an auxiliary engine other than the engine to propel the vehicle or for other uses on the
47 vehicle.

48 (25) [(27)] Motor fuel container--An LP-gas container mounted on a vehicle to store LP-
49 gas as the fuel supply to an engine used to propel the vehicle.

1 (26) [(28)] Motor fuel system--An LP-gas system, excluding the container, which
2 supplies LP-gas to an engine used to propel the vehicle.

3 (27) [(29)] Noncorrosive--Corrosiveness of gas which does not exceed the limitation for
4 Classification 1 of ASTM International (ASTM) Copper Strip Classifications when tested in accordance
5 with ASTM D 1834-64, "Copper Strip Corrosion of Liquefied Petroleum (LP) Gases."

6 (28) [(30)] Nonspecification unit--An LP-gas transport not constructed to DOT MC-330
7 or MC-331 specifications but which complies with the exemption in 49 Code of Federal Regulations
8 §173.315(k). (See also "Specification unit" in this section.)

9 (29) [(31)] Operations supervisor--The individual who is certified by the Commission to
10 actively supervise a licensee's LP-gas activities and is authorized by the licensee to implement operational
11 changes.

12 (30) [(32)] Outlet--A site operated by an LP-gas licensee from which any regulated LP-
13 gas activity is performed.

14 (31) [(33)] Outside instructor--An individual, other than a Commission employee,
15 approved by AFS to teach certain LP-gas training or continuing education courses.

16 (32) [(34)] Person--An individual, partnership, firm, corporation, joint venture,
17 association, or any other business entity, a state agency or institution, county, municipality, school
18 district, or other governmental subdivision, or licensee, including the definition of "person" as defined in
19 the applicable sections of 49 CFR relating to cargo tank hazardous material regulations.

20 (33) [(35)] Portable cylinder--A receptacle constructed to DOT specifications, designed
21 to be moved readily, and used for the storage of LP-gas for connection to an appliance or an LP-gas
22 system. The term does not include a cylinder designed for use on a forklift or similar equipment.

23 (34) [(36)] Property line--The boundary which designates the point at which one real
24 property interest ends and another begins.

25 (35) [(37)] Public transportation vehicle--A vehicle for hire to transport persons,
26 including but not limited to taxis, buses (excluding school buses and mass transit or special transit
27 vehicles), or airport courtesy vehicles.

28 (36) [(38)] Recreational vehicle--A vehicular-type unit primarily designed as temporary
29 living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is
30 mounted on, or towed by, another vehicle.

31 (37) [(39)] Registered manufacturer-- A person who has applied for and been granted a
32 registration to manufacture LP-gas containers by the Commission.

33 ~~[(40)] Repair to container--The correction of damage or deterioration to an LP-gas
34 container, the alteration of the structure of such a container, or the welding on such container in a manner
35 which causes the temperature of the container to rise above 400 degrees Fahrenheit.]~~

36 (38) [(41)] Rules examination--The Commission's written examination that measures an
37 examinee's working knowledge of Chapter 113 of the Texas Natural Resources Code and/or the current
38 rules in this chapter.

39 (39) [(42)] School--A public or private institution which has been accredited through the
40 Texas Education Agency or the Texas Private School Accreditation Commission.

41 (40) [(43)] School bus--A vehicle that is sold or used for purposes that include carrying
42 students to and from school or related events.

43 (41) [(44)] Self-service dispenser--A listed device or approved equipment in a structured
44 cabinet for dispensing and metering LP-gas between containers that must be accessed by means of a
45 locking device such as a key, card, code, or electronic lock, and which is operated by a certified employee
46 of an LP-gas licensee or an ultimate consumer trained by an LP-gas licensee.

47 (42) [(45)] Service station--An LP-gas installation that, for retail purposes, operates a
48 dispensing station and/or conducts cylinder filling activities.

1 ~~(43)~~ [(46)] Special transit vehicle--A vehicle designed with limited passenger capacity
2 which is used by a mass transit authority for special transit purposes, such as transport of mobility
3 impaired persons.

4 ~~(44)~~ [(47)] Specification unit--An LP-gas transport constructed to DOT MC-330 or MC-
5 331 specifications. (See also "Nonspecification unit" in this section.)

6 ~~(45)~~ [(48)] Subframing--The attachment of supporting structural members to the pads of a
7 container, excluding welding directly to or on the container.

8 ~~(46)~~ [(49)] Trainee--An individual who has not yet taken and passed an employee-level
9 rules examination.

10 ~~(47)~~ [(50)] Training--Courses required to be successfully completed as part of an
11 individual's requirements to obtain or maintain certain certificates.

12 ~~(48)~~ [(51)] Transfer system--All piping, fittings, valves, pumps, compressors, meters,
13 hoses, bulkheads, and equipment utilized in transferring LP-gas between containers.

14 ~~(49)~~ [(52)] Transport--Any bobtail or semitrailer equipped with one or more containers.

15 ~~(50)~~ [(53)] Transport driver--An individual who operates an LP-gas trailer or semi-trailer
16 equipped with a container of more than 5,000 gallons water capacity.

17 ~~(51)~~ [(54)] Transport system--Any and all piping, fittings, valves, and equipment on a
18 transport, excluding the container.

19 ~~(52)~~ [(55)] Ultimate consumer--A person who buys a product to use rather than for resale.

20
21 §9.6. License Categories, Container Manufacturer Registration, and Fees.

22 (a) (No change.)

23 (b) The license categories and fees are as follows.

24 (1) – (13) (No change.)

25 (14) A Category L license for engine and mobile fuel authorizes the sale and installation
26 of LP-gas motor or mobile fuel containers, and the sale and installation of LP-gas motor or mobile fuel
27 systems over 25 horsepower. The original license fee is \$100; the renewal is \$50.

28 (15) - (18) (No change.)

29 (c) (No change.)

30 (d) A container manufacturer registration authorizes the manufacture, assembly, repair,
31 subframing, testing and sale of LP-gas containers. The original registration fee is \$1,000; the renewal fee
32 is \$600.

33 (e) Repair to a US DOT cylinder or cargo tank is defined in 49 CFR §§180.203, 180.403 and
34 180.413. Changes made to or maintenance of a cylinder or cargo tank excluded from the definition of
35 repair in 49 CFR §§180.203, 180.403 and 180.413 do not require a license.

36
37 §9.7. Applications for Licenses, Manufacturer Registrations, and Renewals.

38 (a) – (f) (No change.)

39 (g) A licensee shall submit LPG Form 1A listing all outlets operated by the licensee.

40 (1) (No change.)

41 (2) Each outlet shall be listed on the licensee's renewal as specified in subsection
42 (k) [(†)] of this section.

43 (h) (No change.)

44 (i) Applications for license or registration must include a 24-hour emergency telephone number
45 that shall be:

46 (1) monitored at all times; and

47 (2) be answered by a person who is knowledgeable of the hazards of LP-gas and who has
48 comprehensive LP-gas emergency response and incident information, or has immediate access to a person
49 who possesses such knowledge and information. A telephone number that requires a call back (such as an
50 answering service, answering machine, or beeper device) does not meet the requirements of this section.

1 (j) [(+)] AFS will review an application for license or registration to verify all requirements have
2 been met.

3 (1) If errors are found or information is missing on the application or other documents,
4 AFS will notify the applicant of the deficiencies in writing.

5 (2) The applicant must respond with the required information and/or documentation
6 within 30 days of the written notice. Failure to respond by the deadline will result in withdrawal of the
7 application.

8 (3) If all requirements have been met, AFS will issue the license or manufacturer
9 registration and send the license or registration to the licensee or manufacturer, as applicable.

10 (k) [(+)] For license and manufacturer registration renewals:

11 (1) AFS shall notify the licensee or registered manufacturer in writing at the address on
12 file with AFS of the impending license or manufacturer registration expiration at least 30 calendar days
13 before the date the license or registration is scheduled to expire.

14 (2) The renewal notice shall include copies of applicable LPG Forms 1, 1A, and 7, or
15 LPG Form 1M showing the information currently on file.

16 (3) The licensee or registered manufacturer shall review and return all renewal
17 documentation to AFS with any necessary changes clearly marked on the forms. The licensee or
18 registered manufacturer shall submit any applicable fees with the renewal documentation.

19 (4) Failure to meet the renewal deadline set forth in this section shall result in expiration
20 of the license or manufacturer registration.

21 (5) If a person's license or manufacturer registration expires, that person shall
22 immediately cease performance of any LP-gas activities authorized by the license or registration.

23 (6) If a person's license or manufacturer registration has been expired for 90 calendar
24 days or fewer, the person shall submit a renewal fee that is equal to 1 1/2 times the renewal fee in §9.6 of
25 this title (relating to License Categories, Container Manufacturer Registration, and Fees).

26 (7) If a person's license or manufacturer registration has been expired for more than 90
27 calendar days but less than one year, the person shall submit a renewal fee that is equal to two times the
28 renewal fee.

29 (8) If a person's license or manufacturer registration has been expired for one year or
30 more, that person shall not renew but shall comply with the requirements for issuance of an original
31 license or manufacturer registration under subsection (f) or (h) of this section.

32 (9) After verification that the licensee or registered manufacturer has met all requirements
33 for licensing or manufacturer registration, AFS shall renew the license or registration and send the
34 applicable authorization to the licensee or manufacturer.

35 (l) [(+)] A person who was licensed in this state, moved to another state, and is currently licensed
36 and has been in practice in the other state for the two years preceding the date of application may obtain a
37 new license without reexamination. The person shall pay to AFS a fee that is equal to two times the
38 renewal fee required by §9.6 of this title.

39 (1) As a prerequisite to licensing pursuant to this provision, the person shall submit, in
40 addition to an application for licensing, proof of having been in practice and licensed in good standing in
41 another state continuously for the two years immediately preceding the filing of the application;

42 (2) A person licensed under this provision shall be required to comply with all
43 requirements of licensing other than the examination requirement, including but not limited to the
44 insurance requirements as specified in §9.26 of this title and the continuing education and training
45 requirements as specified in §9.51 of this title (relating to General Requirements for LP-Gas Training and
46 Continuing Education), and §9.52 of this title (relating to Training and Continuing Education).

47 (m) [(+)] Applicants for license or license renewal in the following categories shall comply with
48 these additional requirements:

1 (1) An applicant for a Category B or O license or renewal shall file with AFS a properly
2 completed LPG Form 505 certifying that the applicant will follow the testing procedures indicated. The
3 company representative designated on the licensee's LPG Form 1 shall sign LPG Form 505.

4 (2) An applicant for Category A, A2, B, or O license or renewal who tests tanks,
5 subframes LP-gas cargo tanks, or performs other activities requiring DOT registration shall file with AFS
6 a copy of any applicable current DOT registrations. Such registration shall comply with Title 49, Code of
7 Federal Regulations, Part 107 (Hazardous Materials Program Procedures), Subpart F (Registration of
8 Cargo Tank and Cargo Tank Motor Vehicle Manufacturers and Repairers and Cargo Tank Motor Vehicle
9 Assemblers).

10 (3) An applicant for Category A, A1 or O license or renewal who repairs or tests ASME
11 containers shall file with AFS a copy of its current ASME Code, Section VIII certificate of authorization
12 or "R" certificate. If ASME is unable to issue a renewed certificate of authorization prior to the expiration
13 date, the manufacturer may request in writing an extension of time not to exceed 60 calendar days past the
14 expiration date. The request for extension shall be received by AFS prior to the expiration date of the
15 ASME certificate of authorization referred to in this section, and shall include a letter or statement from
16 ASME that the agency is unable to issue the renewal certificate of authorization prior to expiration and
17 that a temporary extension will be granted for its purposes. A registered manufacturer shall not continue
18 to operate after the expiration date of an ASME certificate of authorization until the manufacturer files a
19 current ASME certificate of authorization with AFS or AFS grants a temporary exception.

20
21 §9.8. Requirements and Application for a New Certificate.

22 (a) - (b) (No change.)

23 (c) An applicant for a new certificate shall:

24 (1) file with AFS a properly completed LPG Form 16 and the applicable nonrefundable
25 rules examination fee specified in §9.10 of this title (relating to Rules Examination);

26 (2) pass the applicable rules examination with a score of at least 75%; and

27 (3) complete any required training [~~and/or AFT~~] in §9.51 and §9.52 of this title.

28 (d) An applicant for a new DOT cylinder filler certificate exemption shall comply with the
29 requirements of §9.20 of this title (relating to DOT Cylinder Filler Certificate Exemption).

30 (e) [~~(d)~~] An individual who holds an employee-level certificate who wishes to obtain a
31 management-level certificate shall comply with the requirements of this section, including training and
32 fees.

33
34 §9.10. Rules Examination.

35 (a) - (b) (No change.)

36 (c) An individual who files LPG Form 16 and pays the applicable nonrefundable examination fee
37 may take the rules examination.

38 (1) Dates and locations of available Commission LP-gas examinations may be obtained
39 [~~in the Austin offices of AFS and~~] on the Commission's web site[~~, and shall be updated at least monthly~~].
40 Examinations may be administered: [~~conducted~~]

41 (A) at the Commission's AFS Training Center in Austin; [~~between the hours of~~
42 ~~8:00 a.m. and 12:00 noon, Monday through Friday, except for state holidays, and~~]

43 (B) at other designated [~~times and~~] locations around the state; and

44 (C) through an online testing or proctoring service.

45 (2) Individuals or companies may request in writing that examinations be given in their
46 area. AFS shall schedule [~~its~~] examinations [~~and locations~~] at its discretion.

47 (3) [~~(2)~~] Except in a case where a conditional qualification has been requested in writing
48 and approved under §9.17(g) of this title (relating to Designation and Responsibilities of Company
49 Representatives and Operations Supervisors), the Category E, F, G, I, and J management-level rules
50 examination shall be administered only in conjunction with the Category E, F, G, I, and J management-

1 level courses of instruction. Management-level rules examinations other than Category E, F, G, I, and J
2 may be administered on any scheduled examination day.

3 (4) [(3)] Exam fees.

4 (A) The nonrefundable management-level rules examination fee is \$70.

5 (B) The nonrefundable employee-level rules examination fee is \$40.

6 (C) The nonrefundable examination fee shall be paid each time an individual
7 takes an examination.

8 (D) Individuals who register and pay for a Category E, F, G, I, or J training
9 course as specified in §9.51(j)(2)(A) of this title (relating to General Requirements for LP-Gas Training
10 and Continuing Education) shall pay the charge specified for the applicable examination.

11 (E) A military service member, military veteran, or military spouse shall be
12 exempt from the examination fee pursuant to the requirements in §9.14 of this title (relating to Military
13 Fee Exemption). An individual who receives a military fee exemption is not exempt from renewal,
14 training, or continuing education fees specified in §9.9 of this title (relating to Requirements for
15 Certificate Holder Renewal, §9.51 of this title, and §9.52 of this title (relating to Training and Continuing
16 Education).

17 (F) Individuals who register for an examination to be administered by a testing or
18 proctoring service shall pay any required fee to the testing or proctoring service in addition to paying the
19 examination fee to the Commission.

20 (5) [(4)] Time limits.

21 (A) An applicant shall complete the examination within the time limit specified
22 in this paragraph.

23 (i) The Category E management-level (closed book), Bobtail employee-
24 level (open book), and Service and Installation employee-level (open book) examinations shall be limited
25 to three hours.

26 (ii) All other management-level and employee-level examinations shall
27 be limited to two hours.

28 (B) The examination proctor shall be the official timekeeper.

29 (C) An examinee shall submit the examination and the answer sheet to the
30 examination proctor before or at the end of the established time limit for an examination.

31 (D) The examination proctor shall mark any answer sheet that was not completed
32 within the time limit.

33 (6) [(5)] The Commission may offer employee-level LP-Gas Transport Driver, DOT
34 Cylinder Filling, and Motor/Mobile Fuel Dispensing examinations in Spanish or English.

35 (d) This subsection specifies the examinations offered by the Commission.

36 (1) Employee-level examinations.

37 (A) – (F) (No change.)

38 (G) The Recreational Vehicle Technician examination qualifies an individual to
39 install LP-gas motor or mobile fuel containers, including cylinders, and to install and repair LP-gas
40 systems and appliances on recreational vehicles. The Recreational Vehicle Technician examination does
41 not authorize an individual to fill LP-gas containers.

42 (H) – (J) (No change.)

43 (2) (No change.)

44 (e) Within 15 calendar days of the date an individual takes an examination, AFS shall notify the
45 individual of the results of the examination. If the examination is graded or reviewed by a testing or
46 proctoring service, AFS shall notify the individual of the examination results within 14 days of the date
47 AFS receives the results from the testing or proctoring service. If the notice of the examination results
48 will be delayed for longer than 90 days after the examination date, AFS shall notify the individual of the
49 reason for the delay before the 90th day. AFS may require a testing or proctoring service to notify an
50 individual of the individual's examination results.

1 (f) - (h) (No change.)
2

3 §9.16. Hearings for Denial, Suspension, or Revocation of Licenses, Manufacturer Registrations, or
4 Certificates.

5 (a) - (b) (No change.)

6 (c) Suspension or revocation of licenses, manufacturer registrations, or certificates.

7 (1) - (2) (No change.)

8 (3) The licensee, registered manufacturer, or certificate holder shall either report the
9 correction or discontinuance of the violation or noncompliance within the time frame specified in the
10 notice or shall request an extension of time in which to comply. The request for extension of the time to
11 comply shall be received by AFS [~~LP-Gas Operations~~] within the same time frame specified in the notice
12 for correction or discontinuance.

13 (d) (No change.)
14
15

16 §9.20. DOT Cylinder Filler Certificate Exemption.

17 An individual may perform work and directly supervise LP-gas activities requiring contact with
18 LP-gas if the individual is granted the DOT Cylinder Filler Certificate Exemption. The exemption may be
19 obtained by completing the Dispensing Propane Safely – Small Cylinder course, including examination,
20 and complying with paragraph (1) of this section or by completing PERC outside instructor training and
21 examination in accordance with paragraph (2) of this section.

22 (1) DOT Cylinder Filling Certificate Exemption through PERC.

23 (A) To be granted a DOT Cylinder Filler Certificate Exemption through PERC, the
24 applicant shall:

25 (i) submit a properly completed LPG Form 16P;

26 (ii) submit a legible copy of the PERC certificate of completion, which shall:

27 (I) indicate that the Dispensing Propane Safely -- Small Cylinder course
28 has been completed, including a copy of the transcript listing the Filling Cylinders by Weight
29 examination was completed;

30 (II) be issued to the individual listed on LPG Form 16P;

31 (III) have a completion date after July 18, 2022, and within six months of
32 the date the LPG Form 16P is submitted.

33 (iii) submit a legible copy of a state-issued identification card or driver's license,
34 including a photo; and

35 (iv) pay a \$40 registration fee.

36 (B) AFS will review the application to verify all requirements have been met.

37 (i) If errors are found or information is missing on the application or other
38 documents, AFS shall notify the applicant of the deficiencies in writing.

39 (ii) The applicant must respond with the required information and/or
40 documentation within 30 days of the written notice. Failure to respond by the deadline will result in
41 withdrawal of the application.

42 (iii) If all requirements have been met, the individual will become a certificate
43 holder and AFS shall send a certificate to the licensee.

44 (2) DOT Cylinder Filling Certificate Exemption through PERC Outside Instructor.

45 (A) Any individual who completes an approved PERC based course under the
46 supervision of a PERC outside instructor will be granted a DOT Cylinder Filler Certificate Exemption
47 provided the PERC outside instructor submits the report as required in §9.55(j) of this title (relating to
48 PERC Outside Instructor Training). The course shall include training and examination. The examination
49 shall be proctored by a PERC outside instructor. If all requirements have been met, the individual will

1 become a certificate holder and AFS shall send a certificate to the licensee listed on the PERC outside
2 instructor's report.

3 (B) AFS may refuse to issue or renew a certificate for an individual who presents for
4 credit an unapproved course; a course from an unapproved PERC outside instructor; or a course using
5 unapproved, incomplete, or incorrect materials.

6 (3) The DOT Cylinder Filling Certificate Exemption does not become effective until the
7 certificate is issued by AFS.

8 (4) Certificate holders issued a DOT Cylinder Filler Certificate exemption shall comply with the
9 rules in this chapter, including the following rules:

10 (A) §9.135 of this title (relating to Unsafe or Unapproved Containers, Cylinders, or
11 Piping);

12 (B) §9.136 of this title (relating to Filling of DOT Containers);

13 (C) §9.137 of this title (relating to Inspection of Cylinders at Each Filling);

14 (D) §9.141(d) and (g) of this title (relating to Uniform Safety Requirements); and

15 (E) the entry for NFPA 58 §7.4.3.1 in the Figure in §9.403 of this title (relating to
16 Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or Additional
17 Requirements).

18 (5) The DOT cylinder filler certificate exemption does not include the motor/mobile fuel filler
19 certificate. Individuals may only fill US DOT cylinders by weight with this exemption. Universal
20 cylinders, commonly used on forklifts and floor buffers, may be filled by volume using filling procedures
21 required by §9.136 of this title (relating to Filling of DOT Containers).

22 (6) Individuals who will fill containers mounted on a vehicle for mobile or motor fuel must meet
23 the requirements of §9.8(c) of this title (relating to Requirements and Application for a New Certificate).

24 (7) The certificate accrues to the individual and is nontransferable. An individual who has been
25 issued a certificate shall make the certificate readily available and shall present it to any Commission
26 employee or agent who requests proof of certification.

27 (8) Each individual shall:

28 (A) comply with all applicable continuing education requirements in §9.51 and §9.52 of
29 this title (relating to General Requirements for LP-Gas Training and Continuing Education, and Training
30 and Continuing Education, respectively);

31 (B) comply with renewal requirements in §9.9 of this title (relating to Requirements for
32 Certificate Holder Renewal); and

33 (C) be employed by a licensee or a license-exempt entity in accordance with §9.7 of this
34 title (relating to Application for Licenses, Manufacturer Registrations, and Renewals.

35 (9) Failure to comply with the renewal requirements in §9.9 of this title shall result in the
36 expiration of the certificate. If an individual's exemption has been expired for more than two years, that
37 individual shall complete all requirements necessary to apply for a new certificate.

38 (10) A military service member, military veteran, or military spouse shall be exempt from the
39 original registration fee pursuant to the requirements in §9.14 of this title (relating to Military Fee
40 Exemption). An individual who receives a military fee exemption is not exempt from renewal fees
41 specified in §9.9 of this title.

42
43
44 §9.22. Changes in Ownership, Form of Dealership, or Name of Dealership.

45 (a) Changes in ownership which require a new license or manufacturer registration.

46 (1) (No change.)

47 (2) Other changes in ownership. A change in members of a partnership occurs upon the
48 death, withdrawal, expulsion, or addition of a partner. Upon the death of a sole proprietor or partner, the
49 dissolution of a corporation or partnership, any change in the members of a partnership, or other change
50 in ownership not specifically provided for in this section, an authorized representative of the previously

1 existing dealership or of the successor in interest shall notify AFS in writing and shall immediately cease
2 all LP-gas activities of the previously existing dealership which require an LP-gas license or manufacturer
3 registration and shall not resume until AFS [LP-Gas Operations] issues an LP-gas license or manufacturer
4 registration to the successor in interest.

5 (b) - (e) (No change.)
6

7 §9.26. Insurance and Self-Insurance Requirements.

8 (a) A licensee or registered manufacturer shall not perform any activity authorized by its license
9 or registration under §9.6 of this title (relating to License Categories, Container Manufacturer
10 Registration, and Fees) unless insurance coverage required by this section is in effect. LP-gas licensees,
11 registered manufacturers, or applicants for license or manufacturer registration shall comply with the
12 minimum amounts of insurance specified in Table 1 of this section or with the self-insurance
13 requirements in subsection (i) of this section, if applicable. Registered manufacturers are not eligible for
14 self-insurance. Before AFS grants or renews a manufacturer registration, an applicant for a manufacturer
15 registration shall submit the documents required by paragraph (1) of this subsection. Before AFS grants
16 or renews a license or manufacturer registration, an applicant for a license shall submit either:

17 Figure: 16 TAC §9.26(a) (No change.)

18 (1) - (2) (No change.)

19 (b) - (j) (No change.)
20

21 §9.51. General Requirements for LP-Gas Training and Continuing Education.

22 (a) (No change.)

23 (b) Applicants for new certificates, as set forth in §9.8 of this title (relating to Requirements and
24 Application for a New Certificate) and persons holding existing certificates or a DOT cylinder filler
25 certificate exemption shall comply with the training or continuing education requirements in this chapter.
26 Any individual who fails to comply with the training or continuing education requirements by the
27 assigned deadline may regain certification by paying the nonrefundable course fee and satisfactorily
28 completing an authorized training or continuing education course within two years of the deadline. In
29 addition to paying the course fee, the person shall pay any fee or late penalties to AFS.

30 (c) (No change.)

31 (d) The continuing education requirements apply to the following individuals:

32 (1) Category D, E, F, G, I, J, K, and M management-level certificate holders;

33 (2) any ultimate consumer who has purchased, leased, or obtained other rights in any LP-
34 gas bobtail, including any employee of such ultimate consumer if that employee drives or in any way
35 operates the equipment on an LP-gas bobtail; ~~and~~

36 (3) individuals holding the following employee-level certifications:

37 (A) bobtail driver;

38 (B) DOT cylinder filler;

39 (C) recreational vehicle technician;

40 (D) service and installation technician;

41 (E) appliance service and installation technician; and

42 (F) motor/mobile fuel filler; and

43 (4) individuals holding a DOT cylinder filler certificate exemption.

44 (e) - (h) (No change.)

45 (i) Schedules. Dates and locations of available AFS LP-gas training and continuing education
46 courses can be obtained [~~in the Austin offices of AFS, and~~] on the Commission's web site [~~and shall be~~
47 ~~updated at least monthly~~]. AFS courses shall be conducted in Austin and in other locations around the
48 state. Individuals or companies may request in writing that AFS courses be taught in their area. AFS shall
49 schedule [~~its~~] courses [~~and locations~~] at its discretion.

50 (j) Course registration and scheduling.

1 (1) Registering for a course. To register for a scheduled training or continuing education
2 course, an individual shall complete the online registration process at least seven days prior to the course.
3 [~~AFS shall also accept course registrations via regular mail, electronic mail (e-mail), or facsimile~~
4 ~~transmission (fax). Such requests shall include the applicant's full name, address, phone number, level~~
5 ~~(either manager or employee) and category of certification (such as cylinder filling or service and~~
6 ~~installation), e-mail address, and the name or number, location, and date of the requested course.]~~

7 (2) Costs for courses.

8 (A) - (C) (No change.)

9 (D) Continuing education courses shall be offered at no charge to certificate
10 holders who have timely paid the annual certificate renewal fee specified in §9.9 of this title (relating to
11 Requirements for Certificate Holder Renewal).

12 (E) - (F) (No change.)

13 (3) [~~Course scheduling. AFS shall schedule individuals to attend courses on a first come,~~
14 ~~first served basis, based on when the course fee is paid except as follows:]~~

15 [(A) Priority for attending the 16-hour Category F, G, I, and J course, and the 80-
16 hour Category E course is based on when the course fee is paid.]

17 [(B) Priority for attending courses other than the 16-hour Category F, G, I, and J
18 course, and the 80-hour Category E course shall be given to applicants or certificate holders who must
19 comply with training or continuing education requirements by the next May 31 deadline.]

20 [(C)] If any course has fewer than eight individuals registered within seven
21 calendar days prior to the course, AFS may cancel the course and may reschedule the registered
22 individuals in another course agreed upon by the individuals and the AFS training section. The AFS
23 training section reserves the right to determine the number of course registrants.

24 (4) - (5) (No change.)

25 (k) - (l) (No change.)

26
27
28 §9.52. Training and Continuing Education.

29 (a) Training. Individuals identified in §9.51(c) of this title (relating to General Requirements for
30 LP-Gas Training and Continuing Education) shall complete training.

31 (1) (No change.)

32 (2) Training requirements.

33 (A) - (B) (No change.)

34 (C) Category D, K and M management-level applicants and all applicants for
35 employee-level certifications that are subject to training requirements shall complete an eight-hour
36 course. A certificate holder's training deadline shall not be extended if that individual retakes and passes
37 an examination for the current category and level of certification. A training deadline shall be extended
38 only after a certificate holder successfully completes an applicable training course.

39 (i) - (iii) (No change.)

40 (iv) DOT Cylinder Filler applicants shall complete the 2.1 course unless
41 the individual is issued a DOT cylinder filler certificate exemption.

42 (v) - (ix) (No change.)

43 (3) Individuals who pass an employee-level rules examination between March 1 and May
44 31 of any year shall have until May 31 of the next year to complete any required training. Individuals who
45 pass an employee-level rules examination at other times shall have until the next May 31 to complete any
46 required training. [~~Completion of AFT shall be in accordance with subsection (g) of this section.]~~

47 (4) (No change.)

48 (b) Continuing education. A certificate holder shall complete at least eight hours of continuing
49 education every four years as specified in this subsection. Continuing education courses are specified in
50 subsection (e)[~~(g)~~] of this section.

1 (1) - (6) (No change.)

2 (c) - (d) (No change.)

3 ~~[(e) Course materials. Individuals who attend AFS taught training courses shall receive a copy of~~
4 ~~the course materials at no charge. Additional copies may be purchased from AFS at the established price.]~~

5 ~~[(f) Certificates of completion. The AFS training section shall issue a certificate of completion to~~
6 ~~each individual who completes a management level course.]~~

7 ~~[(g) Advanced field training (AFT). Some courses may include AFT in addition to the classroom~~
8 ~~hours, during which course attendees shall perform LP gas activities. AFT shall be properly completed~~
9 ~~within 30 calendar days of attending the course. All qualification tasks included in the AFT shall be~~
10 ~~completed. The AFT materials, including the qualification checklist and the certification page, shall be~~
11 ~~readily available at the licensee's Texas business location for review by an authorized Commission~~
12 ~~representative during normal business hours.]~~

13 ~~[(1) The responsibility of certifying AFT activities shall not be delegated to an~~
14 ~~unauthorized individual. AFT qualification tasks shall be witnessed by an authorized individual, verified~~
15 ~~as being successfully completed, and the AFT form signed as follows:]~~

16 ~~[(A) For licensees with only one company representative, that company~~
17 ~~representative shall self certify the AFT.]~~

18 ~~[(B) For licensees with more than one company representative, one company~~
19 ~~representative may certify the AFT of another company representative, but shall not self-certify.]~~

20 ~~[(C) Company representatives shall certify operations supervisors' AFT.]~~

21 ~~[(D) The company representative or an operations supervisor authorized by the~~
22 ~~licensee and in current good standing with the Commission shall certify the employees' AFT.]~~

23 ~~[(E) If authorized, a Commission approved outside instructor may certify any~~
24 ~~AFT.]~~

25 ~~[(2) Other AFT situations shall be handled as follows:]~~

26 ~~[(A) For a certified individual employed by a licensee, the licensee shall retain~~
27 ~~the most recently completed AFT material for each applicable category of the individual's certification in~~
28 ~~the individual's employment records.]~~

29 ~~[(B) For an individual who ceases employment with a licensee, the licensee shall~~
30 ~~retain the latest required AFT material for at least two years from the date the individual is no longer~~
31 ~~employed by the licensee. The two year period shall be based on the renewal period for the examination~~
32 ~~renewal fee penalty. The licensee shall provide a copy of the AFT material to the individual.]~~

33 ~~[(C) For an individual who begins employment with a different licensee, the new~~
34 ~~licensee shall obtain a copy of the individual's AFT material from the individual and shall place the copy~~
35 ~~in the individual's employment records.]~~

36 ~~[(D) An individual who is never employed by a licensee shall retain the most~~
37 ~~recently completed AFT material for each applicable category of the individual's certification in a safe~~
38 ~~location for at least two years from the date the course that required the AFT was attended.]~~

39 ~~[(E) For an individual who is employed by a licensee when a course requiring~~
40 ~~AFT is attended, but who prior to the AFT's being certified becomes employed by a new licensee, the~~
41 ~~new licensee shall certify the individual's AFT.]~~

42 ~~[(F) For an individual who is employed by a licensee when a class requiring AFT~~
43 ~~is attended, but who prior to the AFT's being certified ceases employment with the licensee and wishes to~~
44 ~~continue performing LP gas activities, the individual shall contact a company representative or operations~~
45 ~~supervisor of another applicable licensee or an Commission approved outside instructor to complete the~~
46 ~~AFT and maintain the LP gas certification.]~~

47 ~~[(3) Individuals who attend the 80 hour Category E management level course or the 16-~~
48 ~~hour Category F, G, I, and J management level course shall perform any required AFT activities during~~
49 ~~the course.]~~

1 [(4) If AFT is required for a course, the AFT checklist outlining the specific activities to
2 be performed shall be included in the course materials.]

3 [(5) A certified individual is exempt from the AFT requirement of a continuing education
4 course if the individual has previously completed that same course, including the AFT.]

5 (e) [(h)] Certificate holders may complete their continuing education requirement by attending a
6 continuing education course for their specific certificate as listed in this subsection or by attending a
7 CETP course listed in subsection (g) of this section: [Available training and continuing education
8 courses are shown in Tables 1 through 4 of this subsection. Items on the tables marked with an "x"
9 indicate courses that meet training or continuing education requirements for management level or
10 employee-level certificate holders in that category.]

11 (1) the 4.1 Employee-Level Dispenser Operations Continuing Education course;

12 (2) the 4.2 Employee-Level Service and Installation Continuing Education course;

13 (3) the 4.3 Employee-Level Bobtail Driver Continuing Education course;

14 (4) the 4.4 Employee-Level Recreational Vehicle Technician Continuing Education
15 course; and

16 (5) the 6.1 Regulatory Compliance for Managers course.

17 [Figure: 16 TAC §9.52(h)]

18 (f) Continuing education credit for certificate holders.

19 (1) Individuals holding the following certificates or exemption may receive continuing
20 education credit for the 4.1 Employee-Level Dispenser Operations Continuing Education course:

21 (A) a DOT Cylinder Filler certificate;

22 (B) a Motor/Mobile Fuel Filler certificate; and/or

23 (C) a DOT cylinder filler certificate exemption.

24 (2) Individuals holding the following certificates may receive continuing education credit
25 for the 4.2 Employee-Level Service and Installation Continuing Education course:

26 (A) a Service and Installation Technician certificate; and/or

27 (B) an Appliance Service and Installation Technician certificate.

28 (3) Individuals holding a Recreational Vehicle Technician certificate may receive
29 continuing education credit for the 4.4 Employee-Level Recreational Vehicle Technician Continuing
30 Education course.

31 (4) Individuals holding a Bobtail Driver certificate may receive continuing education
32 credit for the 4.3 Employee-Level Bobtail Driver Continuing Education course.

33 (5) To meet continuing education requirements, all management-level certificate holders
34 shall complete one of the following courses:

35 (A) the 6.1 Regulatory Compliance for Managers course; or

36 (B) a course listed in subsections (1) - (4) of this subsection.

37 (6) Any employee-level or management-level certificate holder may also receive
38 continuing education credit by completing any training course listed in subsection (a)(1) of this section
39 for the certificate held by the individual.

40 (g) [(†)] Credit for CETP courses. An employee-level [A] certificate holder who has successfully
41 completed a CETP course, including any applicable knowledge and skills assessments, may receive credit
42 toward the continuing education requirements specified in this section as follows:

43 (1) Items on the table marked with an "x" indicate CETP courses that meet continuing
44 education requirements for employee-level certificate holders in that category. [The CETP course shall
45 be approved for the category of certificate held as indicated on Tables 3 and 4 in subsection (h) of this
46 section.]

47 Figure: 16 TAC §9.52(g)(1) [SEE TABLE AT END OF DOCUMENT]

48 (2) The successful completion of a CETP course is determined by a CETP course
49 certificate, which is issued only after an individual has completed the prescribed course of study,
50 including any related knowledge and skills assessments, for the applicable CETP job classification.

1 (3) To receive credit toward the Commission's continuing education requirements, the
2 certificate holder shall submit the following information, clearly readable, to AFS:

- 3 (A) the individual's full name, address, and telephone number;
4 (B) a copy of the certificate holder's certificate; and
5 (C) a legible copy of the official CETP course certificate.

6 (4) AFS shall review the submitted material within 30 business days of receipt and shall
7 notify the certificate holder in writing that the request is approved, denied, or incomplete.

8 (A) If the request is approved, the certificate holder will receive continuing
9 education credit. AFS will send a new certificate if the request is submitted as part of the renewal process
10 in §9.9 of this title (relating to Requirements for Certificate Holder Renewal).

11 (B) If the request is denied, the certificate holder may submit additional
12 information for review.

13 (C) ~~(A)~~ If the material is incomplete, AFS shall identify the necessary
14 additional information required.

15 (D) ~~(B)~~ If the request is denied or incomplete, the [The] certificate holder shall
16 file any [the] additional information within 30 calendar days of the date of the [a] notice [of deficiency] in
17 order to receive credit for the CETP course attendance.

18 (E) ~~(C)~~ Certificate holders requesting credit for CETP course attendance shall
19 submit such requests to allow processing time so that a request is finally approved by May 31 in order for
20 the certificate holder to receive credit toward that deadline.

21 (h) Credit for PERC Outside Instructor Course Attendance. Individuals shall receive credit for
22 attending a PERC outside instructor course per §9.20(2) of this title (relating to DOT Cylinder Filler
23 Certificate Exemption).

24
25 §9.54. Commission-Approved Outside Instructors.

26 (a) (No change.)

27 (b) Application process. Outside instructor applicants shall submit the following to AFS:

28 (1) - (2) (No change.)

29 (3) for each course the outside instructor applicant intends to teach:

30 (A) the curriculum for and a description of the course;

31 (B) the course materials and related supporting information or a statement that
32 the instructor will use the AFS course materials;

33 ~~[(C) a statement specifying whether the outside instructor seeks approval to~~
34 ~~certify any AFT described in §9.52 of this title (relating to training and continuing education)];~~

35 (4) proof that the outside instructor applicant has experience, during at least three of the
36 four years prior to the date of filing the application, in both:

37 (A) conducting LP-gas training or continuing education courses and

38 (B) performing or supervising LP-gas activities; and

39 (5) any other information required by this section.

40 (c) - (l) (No change.)
41

42 §9.55. PERC Outside Instructor Training.

43 (a) General. AFS may award training and certification or continuing education credit to DOT
44 cylinder filling employee-level applicants and certificate holders for courses administered by a PERC
45 outside instructor provided the PERC outside instructor complies with the requirements of this section.

46 (1) PERC outside instructors may only offer training consistent with the guidelines
47 established by the PERC Dispensing Propane Safely – Small Cylinder course.

48 (2) The PERC outside instructor may train individuals using recorded video materials
49 approved under this section but shall proctor the course examination. The PERC outside instructor may
50 proctor an exam in person or using live video.

1 (3) PERC outside instructors shall be employed by a company licensed to perform DOT
2 cylinder filling activities.

3 (4) LP-gas licensees may offer courses to their own employees provided that the PERC
4 outside instructor complies with the requirements of this section.

5 (5) All PERC outside instructor curriculum and course materials shall:

6 (A) meet the requirements of subsection (c) of this section;

7 (B) be submitted to AFS for review; and

8 (C) be organized and easily readable.

9 (b) Application process. PERC outside instructor applicants shall submit to AFS:

10 (1) the form prescribed by AFS for the PERC outside instructor application;

11 (2) a non-refundable \$300 registration fee;

12 (3) the following for the PERC based course to be taught:

13 (A) a description of the course;

14 (B) the course curriculum, consistent with the requirements of subsection (c) of
15 this section;

16 (C) course examination materials; and

17 (D) links to or digital copies of any videos included in the course curriculum or
18 examination materials;

19 (4) proof that the PERC outside instructor applicant has experience, during at least three
20 of the four years prior to the date of filing the application, in performing or supervising LP-gas activities;
21 and

22 (5) any other information required by this section.

23 (c) Curriculum standards. The course curriculum must be consistent with the guidelines
24 established by the PERC Dispensing Propane Safely – Small Cylinder course and shall also include
25 training on the requirements listed in §9.20(4) of this title (relating to DOT Cylinder Filler Certificate
26 Exemption).

27 (d) AFS review. AFS shall review the application for approval as a PERC outside instructor and,
28 within 14 business days of the date AFS receives the application, shall notify the applicant in writing that
29 the application is approved, denied, or incomplete.

30 (1) Approved applications

31 (A) Additional requirements for approval. PERC outside instructor applicants
32 whose applications are approved in writing by AFS shall attend AFS' Train-the-Trainer Course, the fee
33 for which is included in the \$300 registration fee.

34 (i) The initial Train-the-Trainer Course shall include the classroom
35 instruction and examination for the DOT cylinder filler certification.

36 (ii) The PERC outside instructor applicant shall pass the DOT cylinder
37 filler examination referenced in §9.10(d)(1)(F) of this title (relating to Rules Examination) with a score of
38 at least 85 percent.

39 (B) Notification of approval. Within 10 business days of the PERC outside
40 instructor applicant's completion of the requirements of this section, AFS shall notify the applicant in
41 writing that the applicant is approved as a PERC outside instructor and the PERC outside instructor may
42 then begin offering courses.

43 (C) Term of approval. AFS approval of a PERC outside instructor remains valid
44 for three years unless the Commission revokes the approval pursuant to subsection (f) of this section.

45 (2) Denied applications. If an application is denied, AFS' notice of denial shall identify
46 the reason the applicant does not meet the requirements of subsections (a) - (c) of this section.

47 (3) Incomplete applications.

48 (A) If an application is incomplete, AFS' notice of deficiency shall identify the
49 necessary additional information, including any deficiencies in course curriculum or materials.

1 (B) The applicant shall file the necessary additional information within 30
2 calendar days of the date of AFS' notice of deficiency.

3 (C) The applicant's failure to file the necessary additional information within the
4 prescribed time period may result in the dismissal of the application and the necessity of the applicant
5 again paying the non-refundable \$300 registration fee for each subsequent filing of an application.

6 (e) Revision of course materials. PERC outside instructors must use the materials submitted to
7 and approved by AFS. A PERC outside instructor who revises any course materials previously approved
8 by AFS shall submit the revisions in writing, along with a nonrefundable \$100 review fee to AFS.

9 (1) The nonrefundable \$100 review fee shall be waived if the course materials are revised
10 as a result of changes made by PERC to its Dispensing Propane Safely – Small Cylinder course or
11 examination materials.

12 (2) A PERC outside instructor shall not use materials in a course until the outside
13 instructor has received written AFS approval.

14 (3) AFS shall review the revised course materials and, within 14 business days, shall
15 notify the PERC outside instructor in writing that the revised course materials are approved or not
16 approved.

17 (4) If the revised course materials are not approved:

18 (A) AFS' notice shall identify the portion or portions that are not approved and/or
19 shall describe any deficiencies in the revised course materials.

20 (B) The PERC outside instructor shall file any necessary additional information
21 within 30 calendar days of the date of AFS' notice.

22 (C) The PERC outside instructor's failure to file the necessary additional
23 information within the prescribed time period may result in the dismissal of the request for approval of
24 revised course materials and the necessity of again paying the \$100 review fee for each subsequent filing
25 of revised course materials.

26 (5) Once approved, the revised course materials may be used in the PERC outside
27 instructor's course.

28 (f) Continuing requirements. Approved PERC outside instructors shall:

29 (1) maintain their certificates in continuous good standing. Any interruption of the
30 required certificates may result in the Commission revoking or suspending the PERC outside instructor's
31 approval;

32 (2) renew their AFS PERC outside instructor approval every three years by paying a
33 nonrefundable \$150 renewal fee to AFS;

34 (3) attend a Train-the-Trainer refresher course prior to the PERC outside instructor's next
35 renewal deadline. The Train-the-Trainer course shall not count as credit towards any training or
36 continuing education requirements; and

37 (4) adhere to professional standards of conduct in course administration.

38 (g) PERC outside instructor additional responsibilities.

39 (1) PERC outside instructors are responsible for every aspect of the courses they
40 administer, including the location, schedule, date, time, duration, content, material, demeanor and conduct
41 of the PERC outside instructor, and reporting of attendance information.

42 (2) AFS may monitor or supervise courses or exams administered by PERC outside
43 instructors.

44 (h) Complaints. Complaints regarding PERC outside instructors shall be made to AFS in writing
45 by e-mail, fax, or U. S. Postal Service and shall:

46 (1) include the complainant's printed name, address, and telephone number;

47 (2) be signed by the complainant if filed by fax or U.S. Postal Service;

48 (3) state the PERC outside instructor's name and the course date, location, and title; and

49 (4) describe the facts that show the PERC outside instructor;

1 (A) failed to meet or maintain AFS requirements for PERC outside instructor
2 approval;

3 (B) failed to deliver a course as approved, including failure to follow the
4 approved curriculum, to use the approved course materials, or to deliver the requisite numbers of hours of
5 instruction; or

6 (C) engaged in other conduct, including the use of language, that created an
7 atmosphere not conducive to learning. Such conduct includes but is not limited to demeaning, derogating,
8 or stereotyping women or men, disabled persons, members of any political, religious, racial, or ethnic
9 group, or a particular individual, organization, or product.

10 (i) Analysis

11 (1) As a result of AFS monitoring or supervising a course pursuant to subsection (g)(2) of
12 this section or upon receipt of a complaint pursuant to subsection (h) of this section and at its discretion,
13 AFS may gather any additional information necessary or appropriate to making a full and complete
14 analysis.

15 (A) AFS shall send a written analysis and any findings to the PERC outside
16 instructor who conducted the course monitored or supervised by AFS or that is the subject of the
17 complaint.

18 (B) The PERC outside instructor may file a written response within 20 calendar
19 days from the date of AFS' findings.

20 (2) If AFS determines that a PERC outside instructor has engaged in conduct prohibited
21 by this section, AFS may prepare a report that states the facts on which the determination is based and the
22 recommended action AFS intends to take.

23 (A) AFS may:

24 (i) issue a written warning to the PERC outside instructor;

25 (ii) decline to approve or renew the PERC outside instructor's approval;

26 or

27 (iii) revoke the PERC outside instructor's approval.

28 (B) AFS shall:

29 (i) send a written copy of the report and recommendation to the PERC
30 outside instructor; and

31 (ii) include a statement that the PERC outside instructor has a right to a
32 hearing on the determination contained in the report.

33 (C) Within 20 calendar days after the date the notice is postmarked, the PERC
34 outside instructor shall file a written response either accepting the determination and recommended action
35 or requesting a hearing on the determination.

36 (i) If a PERC outside instructor requests a hearing, the AFS director shall
37 refer the matter to the Hearings Division.

38 (ii) Following the hearing, the Commission may enter an order finding
39 that the PERC outside instructor has violated Commission rules or that no violation has occurred; and
40 may make any other finding based on the evidence in the record.

41 (iii) If the PERC outside instructor does not comply with the order of the
42 Commission, and if the enforcement of the Commission's order is not stayed, then the Office of General
43 Counsel may refer the matter to the attorney general for enforcement of the Commission's order.

44 (D) If the PERC outside instructor accepts the determination, the PERC outside
45 instructor shall notify AFS in writing of the acceptance, and AFS shall take the action indicated in the
46 report. If the PERC outside instructor does not respond to the report timely, AFS shall take the action
47 indicated in the report.

48 (j) Completed courses.

49 (1) Within three business days of the conclusion of a course, PERC outside instructors
50 shall report to AFS the following information:

- 1 (A) the PERC outside instructor's name and last four digits of the instructor's
2 social security number or RRC identification number;
3 (B) employing licensee's name and license number;
4 (C) date of the course;
5 (D) list of the persons completing the course, including the following information
6 for each individual listed:
7 (i) full name,
8 (ii) last four digits of the person's social security number or RRC
9 identification number; and
10 (iii) personal mailing address.
11 (2) The report shall be made electronically.
12 (3) The PERC outside instructor shall ensure that AFS receives the report by securing
13 written acknowledgment of its receipt by AFS.
14 (4) A \$40 registration fee shall be submitted for each individual listed in paragraph (1)(D)
15 of this subsection.
16
17

18 §9.126. Appurtenances and Equipment

- 19 (a) - (c) (No change.)
20 (d) ASME containers with an individual water capacity over 4,000 gallons shall comply with
21 paragraph (1) or (2) of this subsection:
22 (1) For container openings 1 1/4-inch or greater in size:
23 (A) the container shall be equipped with:
24 (i) a ~~pneumatically-actuated~~ [~~pneumatically operated~~] internal valve
25 equipped for remote closure and automatic shutoff using thermal (fire) actuation where the thermal
26 element is located within five feet (1.5 meters) of the internal valve;
27 (ii) - (iii) (No change.)
28 (B) - (D) (No change.)
29 (2) For container openings less than 1 1/4-inch in size, the container shall be equipped
30 with:
31 (A) (No change.)
32 (B) a ~~pneumatically-actuated~~ [~~pneumatically operated~~] internal valve with an
33 integral excess-flow valve or excess-flow protection; or
34 (C) (No change.)
35

36 §9.130. Commission Identification Nameplates.

- 37 (a) Prior to an original ASME nameplate or any manufacturer-issued nameplate becoming
38 unreadable or detached from a stationary container with a water capacity of 4,001 gallons or more, the
39 owner or operator of the container may request an identification nameplate from AFS. Commission
40 identification nameplates shall be issued only for containers which can be documented as being in
41 continuous LP-gas service in Texas from a date prior to September 1, 1984. The container's serial number
42 and manufacturer on the original or manufacturer-issued nameplate shall be clearly readable at the time
43 the Commission identification nameplate is attached.
44 (1) (No change.)
45 (2) AFS shall review LPG Form 502 and the supporting documentation. AFS shall have
46 the manufacturer's data report on file for the container or the licensee shall provide a copy to AFS [~~LP-~~
47 ~~Gas Operations~~]. The Commission identification nameplate shall not be issued unless the manufacturer's
48 data report is reviewed. Upon review of submitted documents and confirmation of the manufacturer's data
49 report, AFS [~~LP-Gas Operations~~] shall send [~~mail~~] a letter to the owner or operator of the container
50 stating the estimated costs, which will be based on the following:

1 (A) - (B) (No change.)

2 (3) - (6) (No change.)

3 (b) - (f) (No change.)

4
5 §9.134. Connecting Container to Piping

6 (a) LP-gas piping shall be installed only by a licensee authorized to perform such installation, a
7 registrant authorized by §9.13 of this title (relating to General Installers and Repairman Exemption), or an
8 individual exempted from licensing as authorized by Texas Natural Resources Code, §113.081.

9 (b) A licensee shall not connect an LP-gas container or cylinder to a piping installation made by a
10 person who is not licensed to make such installation, except that connection may be made to piping
11 installed by an individual on that individual's single family residential home.

12 (c) A licensee may connect to piping installed by an unlicensed person provided the licensee has
13 verified that the piping is free of leaks and has been installed according to the rules of this chapter, and
14 filed with AFS a completed LPG Form 22, identifying the unlicensed person who installed the LP-gas
15 piping.

16 (d) A licensee is not required to submit LPG Form 22 pursuant to subsection (c) of this section
17 only if the piping system is currently in service and no new piping is installed, the system is in good
18 working order, and the installer cannot be determined.

19
20 §9.140. System Protection Requirements.

21 (a) – (b) (No change.)

22 (c) In addition to NFPA 58, §§ 6.21.4.2, 6.22.3.2(3), 6.27.3.7, 8.2.1.1, and 6.5.4.5, fencing at LP-
23 gas installations shall comply with the following:

24 (1) Uprights, braces, and cornerposts of the fence shall be composed of noncombustible
25 material and shall be anchored in concrete a minimum of 12 inches below the ground.

26 (2) (No change.)

27 (3) ASME containers or manual dispensers originally manufactured to or modified to be
28 considered by AFS as self-contained units are exempt from the fencing requirements. Self-contained units
29 shall be protected as specified in subsection (d) of this section;

30 (4) (No change.)

31 (d) In addition to NFPA 58, §§6.8.1.2, 6.8.6.1(A)-(E), 6.8.6.2(F), 6.27.3.13 and 6.27.3.14,
32 vehicular barrier protection at LP-gas installations, except as noted in this section, shall comply with the
33 following:

34 (1) - (2) (No change.)

35 (3) Locations which have a perimeter fence prohibiting public traffic to the container or
36 cylinder storage area shall not be required to have guardrailing if the vertical supports are located no more
37 than three feet apart.

38 (4) [~~3~~] Openings in horizontal guardrailing, except the opening that is permitted directly
39 in front of a bulkhead, shall not exceed three feet. Only one opening is allowed on each side of the
40 guardrailing. A means of temporarily removing the horizontal guardrailing and vertical supports to
41 facilitate the handling of heavy equipment may be incorporated into the horizontal guardrailing and
42 vertical supports. In no case shall the protection provided by the horizontal guardrailing and vertical
43 supports be decreased. Transfer hoses from the bulkhead shall be routed only through the 45-degree
44 opening in front of the bulkhead or over the horizontal guardrailing.

45 (5) [~~4~~] Clearance of at least three feet shall be maintained between the vehicular barrier
46 protection and any part of an LP-gas transfer system or container or clearance of two feet for retail service
47 station installations. The two vertical supports at the ends of any vehicular barrier protection which
48 protects a bulkhead shall be located a minimum of 24 and a maximum of 36 inches at 45-degree angles to
49 the nearest corner of the bulkhead.

50 (6) [~~5~~] Vehicular barrier protection shall extend at least three feet beyond any part of

1 the LP-gas transfer system or container which is exposed to collision damage or vehicular traffic.

2 ~~(7) [(6)]~~ Installations which have highway barriers located between vehicular traffic and
3 the container and material handling equipment shall not be required to have vehicular barrier protection
4 installed.

5 (e) (No change.)

6 (f) In addition to NFPA 58 §5.2.8.1, LP-gas installations shall comply with the sign and lettering
7 requirements specified in Table 1 of this section. An asterisk indicates that the requirement applies to the
8 equipment or location listed in that column.

9 Figure: 16 TAC §9.140(f) (No change.)

10 (1) - (2) (No change.)

11 (3) Items 1, 2, and 3 in the column entitled "Licensee or Non-Licensee ASME 4001+
12 Gal. A.W.C." in Table 1 apply to installations with 4,001 gallons or more aggregate water capacity
13 protected only by vehicular barrier protection ~~[guardrailing]~~ as required in subsection (d) of this section,
14 and bulkheads as required by §9.143 of this title (relating to Bulkhead, Internal Valve, API 607 Ball
15 Valve, and ESV Protection for Stationary LP-Gas Installations with Individual or Aggregate Water
16 Capacities of 4,001 Gallons or More) for commercial, bulk storage, cylinder filling, or forklift
17 installations.

18 (4) Item 7 in the column entitled "Storage Racks for DOT Portable or Forklift
19 Containers" in Table 1 may be met with lettering only one rack when multiple racks are installed.

20 ~~(5) [(4)]~~ Item 11 in the column entitled "Requirements" in Table 1 applies to facilities
21 which have two or more containers.

22 ~~(6) [(5)]~~ Item 13 in the column entitled "Requirements" in Table 1 applies to outlets
23 where an LP-gas certified employee is responsible for the LP-gas activities at that outlet, when a
24 licensee's employee is the operations supervisor at more than one outlet as required by §9.17(a) of this
25 title (relating to Designation and Responsibilities of Company Representative and Operations
26 Supervisor).

27 ~~(7) [(6)]~~ Any information in Table 1 of this subsection required for an underground
28 container shall be mounted on a sign posted within 15 feet horizontally of the manway or the container
29 shroud.

30 ~~(8) [(7)]~~ Licensees and non-licensees shall comply with operational and/or procedural
31 actions specified by the signage requirements of this section.

32 ~~[(8) Any 24-hour emergency telephone numbers shall be:~~

33 ~~(A) monitored at all times; and~~

34 ~~(B) be answered by a person who is knowledgeable of the hazards of LP-gas and~~
35 ~~who has comprehensive LP-gas emergency response and incident information, or has immediate access to~~
36 ~~a person who possesses such knowledge and information. A telephone number that requires a call back~~
37 ~~(such as an answering service, answering machine, or beeper device) does not meet the requirements of~~
38 ~~this section.]~~

39 (g) In addition to NFPA 58, §8.4.2.2, storage racks used to store DOT cylinders in the horizontal
40 position ~~[nominal 20-pound DOT portable or any size forklift containers]~~ shall be protected against
41 vehicular damage by:

42 (1) the use of concrete curbs and/or wheel stops provided:

43 (A) the cylinder storage rack is located a minimum of 48 inches behind a curb or
44 wheel stop that is a minimum of five inches in height above the grade of the driveway or parking area;

45 (B) if the requirements of subparagraph (A) cannot be met, the cylinder storage
46 rack must be installed a minimum of 48 inches behind a curb or wheel stop that is a minimum of four
47 inches in height above the grade of the driveway or parking area, and a wheel stop at least four inches in
48 height must be installed at least 12 inches from the curb or first wheel stop; and

49 (C) if wheel stops are used, all wheel stops must be secured against displacement;
50 or

1 ~~[(1) meeting the guardrail requirements of subsection (d) of this section; or]~~
2 ~~(2) if curbs and/or wheel stops are not installed, guard posts or vehicular barrier~~
3 protection shall be [installing guard posts, provided the guard posts are] installed a minimum of 18 inches
4 from each storage rack and;

5 (A) consist of at least three-inch schedule 40 steel pipe, capped on top or
6 otherwise protected to prevent the entrance of water or debris into the guard post, no more than four feet
7 apart, and anchored in concrete at least 12 ~~[30]~~ inches below ground and rising at least 30 inches above
8 the ground; ~~[or]~~

9 (B) ~~[are]~~ constructed of at least four-inch schedule 40 steel pipe capped on top or
10 otherwise protected to prevent the entrance of water or debris into the guard post, and attached by welding
11 to a minimum 8-inch by 8-inch steel plate at least 1/2 inch thick. The installed height of the post must be
12 a minimum of 30 inches above the ground. The guard posts and ~~[8]~~ steel plate shall be permanently
13 installed and securely anchored to a concrete driveway or concrete parking area; or

14 (C) meet the requirements of subsection (d) of this section.

15 ~~[(3) Guardrail or guard posts are not required to be installed if:]~~

16 ~~[(A) the cylinder storage rack is located a minimum of 48 inches behind a~~
17 ~~concrete curb or concrete wheel stop that is a minimum of five inches in height above the grade of the~~
18 ~~driveway or parking area; or]~~

19 ~~[(B) if the requirements of subparagraph (A) cannot be met, the cylinder storage~~
20 ~~rack must be installed a minimum of 48 inches behind a concrete curb or concrete wheel stop that is a~~
21 ~~minimum of four inches in height above the grade of the driveway or parking area, and a concrete wheel~~
22 ~~stop at least four inches in height must be installed at least 12 inches from the curb or first wheel stop;]~~

23 ~~[(4) All parking wheel stops and cylinder storage racks in paragraph (3) of this subsection~~
24 ~~must be secured against displacement.]~~

25 (i) Fencing, guardrails, and valve locks shall be maintained in good condition at all times in
26 accordance with this chapter.

27 (j) [(h)] Self-service dispensers shall be protected against vehicular damage by:

28 (1) vehicular barrier protection that complies with subsection (d) of this section; or

29 (2) vertical supports that comply with subsection (d) of this section; or

30 (3) where routine traffic patterns expose only the approach end of the dispenser to
31 vehicular damage, support columns, concrete barriers, bollards, inverted U-shaped guard posts anchored
32 in concrete, or other protection acceptable to AFS, provided:

33 (A) the cylinder storage rack is located a minimum of 48 inches behind a
34 concrete curb or concrete wheel stop that isa minimum of five inches in height above the grade of the
35 driveway or parking area;

36 (B) if the requirements of subparagraph (A) cannot be met, the cylinder storage
37 rack must be installed a minimum of 48inches behind a concrete curb or concrete wheel stop that is a
38 minimum of four inches in height above the grade of the driveway or parking area, and a concrete wheel
39 stop at least four inches in height must be installed at least 12 inches from the curb or first wheel stop~~;~~
40

41 (k) [(i)] Self-service dispensers utilizing protection specified in paragraphs (2) -(3) of subsection
42 (h) of this section shall be connected to supply piping by a device designed to prevent the loss of LP-gas
43 in the event the dispenser is displaced. The device must retain liquid on both sides of the breakaway point
44 and be installed in a manner to protect the supply piping against damage.

45 §9.141. Uniform Safety Requirements.

46 (a) (No change.)

47 (b) In addition to NFPA 58, §6.27.4.2, each LP-gas private or public motor/mobile or forklift
48 refueling installation which includes a liquid dispensing system shall incorporate into that dispensing
49 system a breakaway device.

50 (1) - (2) (No change.)

1 (3) In addition to NFPA 58, §6.27.4.1, the overall length of hose on vehicle fuel
2 dispensers used to transfer LP-gas into engine fuel and mobile containers on vehicles shall not exceed 18
3 feet measured from the point where the hose attaches to rigid piping downstream of the pump to the end
4 of the dispensing hose. If a section of hose not exceeding 36 inches in length is installed for flexibility
5 between the listed emergency breakaway device and the rigid piping downstream of the pump, then the
6 18 feet of dispensing hose will be measured from the outlet of the emergency breakaway device.

7 (c) - (h) (No change.)

8 (i) Racks used to store cylinders awaiting use or resale shall be installed on firm, level ground. In
9 addition to NFPA 58 §8.4.1.1, a distance of five feet shall be maintained between the rack and any
10 sources of ignition and combustible materials.

11
12
13 §9.142. LP-Gas Container Storage and Installation Requirements.

14 (a) Except as noted in this section and in addition to NFPA 58 §6.4.1.1, LP-gas containers shall
15 be stored or installed in accordance with the distance requirements in NFPA 58, §§6.2.2, 6.4.4, and 8.4.1
16 and any other applicable requirements in NFPA 58 or the rules in this chapter.

17 (1) An LP-gas liquid dispensing installation other than a retail operated service station
18 installation is not required to have a pump, provided that the storage containers are located one and one
19 half times the required distances specified in NFPA 58, §6.4.1.1, or a minimum distance of 15 feet if the
20 storage container is less than 125 gallons water capacity.

21 (2) Any LP-gas container constructed prior to 1970 which has an odd-numbered water
22 gallon capacity (for example, 517 water gallons instead of 500 water gallons) that is not more than 5.0%
23 greater than the standard water gallon capacity may be installed utilizing the minimum distance
24 requirement based on the standard water gallon capacity.

25 (b) Each industrial plant, bulk plant, and distributing point with an aggregate water capacity of
26 4,000 gallons or less shall be provided with at least one portable fire extinguisher in accordance with
27 NFPA 58 §4.7 having a minimum capacity of 18 lb (8.2 kg) of dry chemical.

28
29
30 §9.143. Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate
31 Water Capacities of 4,001 Gallons or More

32 (a) Instead of NFPA 58, §6.14, all new stationary LP-gas installations with individual or
33 aggregate water capacities of 4,001 gallons or more shall:

34 (1) (No change.)

35 (2) install one of the following in all container openings 1 1/4 inches or greater, as
36 required in this section and §9.126 of this title (relating to Appurtenances and Equipment);

37 (A) pneumatically-actuated [~~pneumatically-operated~~] emergency shutoff valves
38 (ESV);

39 (B) pneumatically-actuated [~~pneumatically-operated~~] internal valves;

40 (C) pneumatically-actuated [~~pneumatically-operated~~] API 607 ball valves; or

41 (D) (No change.)

42 (b) Valve protection requirements.

43 (1) - (2) (No change.)

44 (3) Pneumatically-actuated [~~Pneumatically-operated~~] ESV, internal valves, and API 607
45 ball valves shall be equipped for automatic shutoff using thermal (fire) actuation where the thermal
46 element is located within five feet (1.5 meters) of the ESV, internal valves, and/or API 607 ball valves.
47 Temperature sensitive elements shall not be painted nor shall they have any ornamental finishes applied
48 after manufacture.

49 (4) (No change.)

1 (5) Pneumatically-actuated [~~Pneumatically-operated~~] internal valves, ESV, and API 607
2 ball valves shall be interconnected and incorporated into at least one remote operating system.

3 (c) (No change.)

4 (d) Existing installations which have horizontal bulkheads and cable-actuated ESV shall comply
5 with the following:

6 (1) (No change.)

7 (2) If a cable-actuated ESV requires replacement, it shall be replaced with a
8 pneumatically-actuated [~~pneumatically-operated~~] ESV;

9 (3) If the horizontal bulkhead or a backflow check valve or a cable-actuated ESV are
10 moved from their original location to another location, no matter what the distance from the original
11 location, then the installation shall comply with the requirements for a vertical bulkhead and
12 pneumatically-actuated [~~pneumatically-operated~~] ESV;

13 (4) All cable-actuated ESV shall be replaced with pneumatically-actuated
14 [~~pneumatically-operated~~] ESV by January 1, 2011.

15 (e) - (g) (No change.)

16 (h) If necessary to increase LP-gas safety, AFS may require a pneumatically-actuated
17 [~~pneumatically-operated~~] internal valve equipped for remote closure and automatic shutoff through
18 thermal (fire) actuation to be installed for certain liquid and/or vapor connections with an opening of 3/4
19 inch or one inch in size.

20 (i) (No change.)

21
22 §9.202 Registration and Transfer of LP-Gas Transports or Container Delivery Units.

23 (a) A person who operates a transport equipped with LP-gas cargo tanks or any container delivery
24 unit, regardless of who owns the transport or unit, shall register such transport or unit with AFS in the
25 name or names under which the operator conducts business in Texas prior to the unit being used in LP-
26 gas service.

27 (1) To register a cargo tank unit previously unregistered in Texas, the operator of the unit
28 shall:

29 (A) pay to AFS the \$270 registration fee for each bobtail truck, semitrailer,
30 [~~container delivery unit,~~] or other motor vehicle equipped with LP-gas cargo tanks;

31 (B) file a properly completed LPG Form 7;

32 (C) file a copy of the Manufacturer's Data Report;

33 (D) file a copy of the DOT Certificate of Compliance; and

34 (E) file a copy of the hydrostatic or pneumatic test required by §9.208 of this title
35 (relating to Testing Requirements), unless the unit was manufactured within the previous five years or 10
36 years for units which meet the exemption in 49 CFR 180.407(c).

37 (2) To register a container delivery unit previously unregistered in Texas, the operator of
38 the unit shall:

39 (A) pay to AFS the \$270 registration fee for each container delivery unit; and

40 (B) file a properly completed LPG Form 7A;

41 (3) [~~(2)~~] To register a bobtail truck, semitrailer, container delivery unit, or other motor
42 vehicle equipped with LP-gas cargo tanks [an MC 330/MC 331 specification unit] which was previously
43 registered in Texas but for which the registration has expired, the operator of the unit shall:

44 (A) pay to AFS the \$270 registration fee;

45 (B) file a properly completed LPG Form 7 for cargo tanks or LPG Form 7A for
46 container delivery units; and

47 (C) for cargo tanks, file a copy of the latest test results if an expired unit has not
48 been used in the transportation of LP-gas for over one year or if a current hydrostatic test has not been
49 filed with AFS.

1 (4) [(3)] To re-register a currently registered unit, the licensee operating the unit shall pay
2 a \$270 annual registration fee.

3 (5) [(4)] To transfer a currently registered unit, the new operator of the unit shall:

4 (A) pay the \$100 transfer fee for each unit; and

5 (B) file a properly completed LPG Form 7T.

6
7
8 §9.211. Markings.

9 (a) In addition to NFPA 58 §9.4.6.2, each LP-gas transport and container delivery unit in LP-gas
10 service shall be marked on each side and the rear with the name of the licensee or the ultimate consumer
11 operating the unit. Such lettering shall be legible and at least two inches in height and in sharp color
12 contrast to the background. AFS shall determine whether the name marked on the unit is sufficient to
13 properly identify the licensee or ultimate consumer operating the unit.

14 (b) In addition to NFPA 58 §12.5.13(2), the location of the manual shutoff valve on each school
15 bus, special transit vehicle, mass transit vehicle, and public transportation unit shall be marked "Manual
16 Shutoff Valve." Decals or stencils are acceptable.

17
18 §9.403. Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or Additional
19 Requirements

20 (a) Table 1 of this section lists certain NFPA 58 sections which the Commission does not adopt
21 because the Commission's corresponding rules are more pertinent to LP-gas activities in Texas, or which
22 the Commission adopts with changed language or additional requirements in order to address the
23 Commission's existing rules.

24 Figure: 16 TAC §9.403(a) [SEE TABLE AT END OF DOCUMENT]

25 (b) (No change.)
26

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas on _____, 2022.

Filed with the Office of the Secretary of State on _____, 2022.

Haley Cochran
Rules Attorney, Office of General Counsel
Railroad Commission of Texas

Figure: 16 TAC §9.52(g)(1)

**COURSES WHICH COUNT TOWARDS 4-YEARS CONTINUING EDUCATION CREDIT
 FOR EMPLOYEE-LEVEL CERTIFICATE HOLDERS**

Course Number	Course Title	DOT Cylinder Filler	Motor/Mobile Fuel Filler	Bobtail Driver	Service & Installation Technician	Appliance Service & Installation Technician	Recreational Vehicle Technician	DOT Cylinder Filler Certificate Exemption
CETP 1.0	Basic Principles and Practices of Propane Initial Course	x	x	x	x	x	x	x
CETP 2.2	Bobtail Delivery Operations Initial Course			x				
CETP 2.2/2.4	Operating a Bobtail or Cylinder Delivery Vehicle to Deliver Propane (Combined) Initial Course			x				
CETP 3.1/3.5	Basic Plant Operations Initial Course	x	x	x	x			x
CETP 4.1	Designing and Installing Exterior Vapor Distribution System Initial Course				x			
CETP 4.2	Placing Vapor Distribution Systems and Appliances into Operation Initial Course				x	x		

Figure: 16 TAC §9.403(a) NOTE: Yellow HIGHLIGHTING INDICATES CHANGES

§9.403 Table--Sections in NFPA 58, 2017 Edition, Not Adopted by Reference, or Adopted With Changes, Additional Requirements, or Corrections (Effective September 1, 2020)

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
3.2.2	additional requirement	In addition to definition for "Authority Having Jurisdiction," see Commission rule §9.402(a), Clarification of Certain Terms Used in NFPA 58.
4.3.1	not adopted	See Commission rules §9.27, Application for an Exception to a Safety Rule, and §9.101, Filings Required for Stationary LP-Gas Installations.
4.3.3	additional requirement	See Commission rule §9.101(b), Filings Required for Stationary LP-Gas Installations.
4.4	additional requirement	See Commission rules §§9.8, Requirements and Application for a New Certificate and 9.51, General Requirements for Training and Continuing Education.
5.2.1.1	additional requirement	See Commission rules §9.135, Unsafe of Unapproved Containers, Cylinders, or Piping, and §9.137, Inspection of Containers at Each Filling.
5.2.1.11	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
5.2.2	additional requirement	See Commission rules §9.135, Unsafe of Unapproved Containers, Cylinders, or Piping, and §9.137, Inspection of Containers at Each Filling.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
5.2.4.2	additional requirement	See Commission rule §9.131, 200 PSIG Working Pressure Stationary Vessels.
5.2.8.1	additional requirement	See Commission rules <u>§9.140(f)</u> [§9.140(g)], Table 1, System Protection Requirements, and §9.141(e), Uniform Safety Requirements.
5.2.8.3 (A) and (B)	not adopted	See Commission rule §9.129, Manufacturer's Nameplate and Markings on ASME Containers.
5.2.8.3(C)	additional requirement	See Commission rule §9.129, Manufacturer's Nameplate and Markings on ASME Containers.
5.2.8.5	with changes	All containers that contain unodorized LP-gas products shall be marked "NOT ODORIZED" <u>or "NON-ODORIZED"</u> .
5.9.2.5(A)	additional requirement	See Commission rule §9.131, 200 PSIG Working Pressure Stationary Vessels.
5.9.4.1	additional requirement	See Commission rule §9.143(c), Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
Table 5.9.4.1(B)	with changes	Heading: Container Connection and Appurtenance Requirements [for Containers Used in Other Than Bulk Plants and Industrial Plants]
5.9.4.2	not adopted	See Commission rule §9.126(d), Appurtenances and Equipment.
Table 5.9.4.2	not adopted	See Commission Rule §9.126(d), Appurtenances and Equipment.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
5.9.7.1	with changes	Other container openings shall be equipped with any of the following: (1) - (5) (No change) <u>(6) For reducing the size of a container opening, only one bushing with a minimum pressure rating in accordance with Table 5.11.4.1 shall be installed.</u>
5.11.5	additional requirement	See Commission rule §9.308(d), Installation of Piping.
5.11.6	additional requirement	See Commission rule §9.143(g), Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
5.11.6.5	additional requirement	See Commission rule §9.311, Special Exceptions for Agricultural and Industrial Structures Regarding Appliance Connectors and Piping Support.
5.23	additional requirement	See Commission rule §9.307, Identification of Converted Appliances.
6.2.2	with changes	LP-Gas containers shall be allowed in buildings only for the following applications: (1) - (7) (no change) [(8) Cylinders awaiting use, resale, or exchange when stored in accordance with Sections 8.2 and 8.3.]
6.4.1.1	additional requirement	See Commission rule §9.142, LP-Gas Container Storage and Installation Requirements.
6.4.1.2	not adopted	

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.5.1.1	with changes	Where [storage] containers [having an aggregate water capacity of more than 4000 gal (15.1 m³)] are located in heavily populated or congested areas, the siting provisions of 6.4.1.1 and Table 6.4.1.1 shall be permitted to be modified [as indicated] by the [fire safety analysis described in 6.29.3] <u>Commission.</u>
6.5.4.1	additional requirement	See Commission rule §9.141(f), Uniform Safety Requirements.
6.8.1.2	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.8.1.4	additional requirement	See Commission rule §9.141(a), Uniform Safety Requirements.
6.8.2.1	with changes	Cylinders shall be installed only aboveground and shall be set upon a firm foundation of <u>concrete, masonry, or metal</u> and [or otherwise] be firmly secured <u>against displacement.</u> (See <u>6.8.2.2 [6.6.2.2]</u>)
6.8.3.1	with changes	Horizontal ASME containers designed for permanent installation in stationary aboveground service shall be placed on masonry or other noncombustible structural supports located on concrete or masonry foundations with the container supports. <u>Containers shall not be in contact with the soil.</u>
6.8.6.1(A) – (E)	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.8.6.1(I)	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
6.8.6.2(A)	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.8.6.2(F)	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.8.6.3(F)	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
6.10.2.3	with changes	Single-stage regulators shall not be installed in fixed piping systems <u>on or after February 1, 2001</u> [June 30, 1997], except for installations covered in 6.10.2.4.
6.11.3.10	with changes	Aboveground piping shall be supported and protected against physical damage [by vehicles].
6.11.3.14	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
6.11.3.16	with changes	Underground metallic piping, tubing or both that convey LP-Gas from <u>an underground partially buried or mounded</u> [a] gas storage container shall be provided with dielectric fittings installed above ground and outdoors at the building to electrically isolate it from the aboveground portion of the fixed piping system that enters a building.
6.11.6.1	additional requirement	See Commission rule §9.143, Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
6.11.6.3	with changes	Flexible metallic connectors shall not exceed 5 ft (1.5m) in overall length when used with liquid or vapor piping on stationary containers [of 2000 gal (7.6 m³) water capacity or less].

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.13.1	with changes	The requirements of 6.13.2 through 6.13.5 shall be required for internal valves in liquid <u>and/or vapor</u> service installed in containers of over 4000-gal (15.2-m ³) water capacity by July 1, 2003.
6.13.2	with changes	Internal valves shall be installed in accordance with <u>Commission rule §9.126(d)</u> [5.9.4.2 and Table 5.9.4.2] on containers over 4000 gal (15.2 m ³) water capacity.
6.13.3.1	with changes	Automatic shutdown of internal valves in liquid <u>and/or vapor</u> service shall be provided using thermal (fire) actuation.
6.13.4.1	with changes	At least one remote shutdown station for internal valves in liquid <u>and/or vapor</u> service shall be installed in accordance with the following: (1)-(3) (No change.)
6.13.5	not adopted	See Commission rule <u>§9.140(f)</u> [§9.140(g)], System Protection Requirements, Table 1.
6.14	not adopted	See Commission rule §9.143, Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.19.2	adopted with changes additional requirement	<p>6.19.2 Except for underground and mounded containers (see 6.8.6), all materials and equipment that are buried or mounded shall comply with one of the requirements in 6.19.2(A) through 6.19.2(C).</p> <p>(A) Materials and equipment shall be made of corrosion resistant material that are suitable for the environment in which they will be installed.</p> <p>(B) Materials and equipment shall be manufactured with a corrosion-resistant coating or have a coating applied prior to being placed into service.</p> <p>(C) See Commission rule §9.116, Container Corrosion Protection System [Materials and equipment shall have a cathodic protection system installed and maintained in accordance with 6.19.3].</p>
6.19.4	not adopted	
6.21.1	additional requirement	See Commission rule §9.113, Installation and Maintenance.
6.21.4.2	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
6.22.3.2(3)	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
6.22.9.3	not adopted	See Commission rule §9.1(e), Application of Rules, Severability, and Retroactivity.
6.22.9.4	not adopted	See Commission rule §9.1(e), Application of Rules, Severability, and Retroactivity.
6.25.2.4	with changes	The provision of 6.25.2.2 shall not apply to fixed electrical equipment at residential [or commercial] installations of LP-Gas systems or to systems covered by Section 6.26.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.27.3.7	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
6.27.3.8	with changes	The container liquid withdrawal opening used with <u>retail operated</u> vehicle fuel dispensers and <u>retail operated</u> dispensing stations shall be equipped with one of the following: (1) – (2) (No change)
6.27.3.13	with changes	Vehicular barrier protection (VBP) shall be provided for containers serving dispensers where those containers are located within 10 ft (3 m) of a vehicle thoroughfare or parking location in accordance with <u>§9.140(d), System Protection Requirements [6.27.3.13(A) or 6.27.3.13(B)]</u> . (A)-(B) not adopted
6.27.3.14	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.27.3.15	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.27.3.16	with changes	A listed quick-acting shutoff valve <u>or a listed quarter turn ball valve with a locking handle</u> shall be installed at the discharge end of the transfer hose.
6.27.3.17	additional requirement	See Commission rule §9.140(f), System Protection Requirements, Table 1.
6.27.4.1	additional requirement	See Commission rule §9.141(b)(3), Uniform Safety Requirements.
6.27.4.2	additional requirement	See Commission rule §9.141(b), Uniform Safety Requirements.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.27.5.2	<u>with changes</u>	<u>Vehicles complying with Chapter 12 shall be refueled</u> [Vehicle fuel dispensers shall be equipped] with vehicle fuel dispensers <u>in compliance with 6.27.5.1 and may have reduced distances per 6.30.5.1 if equipped for</u> low-emission transfer [systems] in accordance with 6.30.5.3.
6.29.1	<u>with changes</u>	Section 6.29 shall apply to fire protection for industrial plants, bulk plants and dispensing systems <u>with an aggregate water capacity greater than 4,000 gallons.</u>
6.29.3.1	<u>with changes</u>	Fire protection shall be provided for installations with an aggregate water capacity of <u>10,000 gallons or more</u> [than 4000 gal (15.2 m³)]-and for ASME containers on roofs.
6.29.3.2	<u>with changes</u>	The modes of fire protection shall be specified in a written fire safety analysis for new installations, for existing installations that have an aggregate water capacity of <u>10,000 gallons or more</u> [than 4000 gal (15.2 m³)], and for ASME containers on roofs. <u>Installations [Existing installations] shall comply with this requirement prior to September 1, 2022 [within 2 years of the effective date of this code].</u>
6.29.3.3	<u>with changes</u>	The fire safety analysis shall be submitted by the owner, operator, or their designee to the authority having jurisdiction, <u>upon request,</u> and local emergency responders.
6.30	<u>with changes</u>	Alternate Provisions for Installation of <u>Underground and Mounded ASME Containers</u>
7.2.2.16	additional requirement	See Commission rule §9.137, Inspection of Cylinders at Each Filling.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
7.2.3.8	additional requirement	See Commission rule §9.143(c)(2), Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
7.4.2.1	additional requirement	See Commission rule §9.136, Filling of DOT Containers.
7.4.3.1	with changes	The volumetric method shall be limited to the following containers, where they are designed and equipped for filling by volume: [(1) Cylinders of less than 200 lb (91 kg) water capacity that are not subject to DOT jurisdiction] (2) Cylinders of 101 lb LP-gas capacity [200 lb (91 kg) water capacity] or more (3) Cargo tanks or portable tanks (4) ASME and API-ASME containers complying with 5.2.1.1 or 5.2.4.2
8.2.1.1	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
8.3.1	not adopted	
Table 8.3.1(a)	not adopted	
Table 8.3.1(b)	with changes	Heading: Maximum Allowable Storage Quantities of LP-Gas in [Mercantile,] Industrial, and Storage Occupancies Column (2) (Mercantile) Not Adopted
8.3.2	not adopted	See Commission rule §9.1(e), Application of Rules, Severability, and Retroactivity.
8.4.1.1	additional requirement	See Commission rule §9.141(i), Uniform Safety Requirements.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
8.4.2.2	additional requirement	See Commission rule §9.140(h), System Protection Requirements.
8.4.3	not adopted	See Commission rule §9.27, Application for an Exception to a Safety Rule.
8.5.5	not adopted	See Commission rule §9.141(i), Uniform Safety Requirements.
9.4.6.2	additional requirement	See Commission rule §9.211, Markings.
9.4.8	with changes	<u>Any unit registered with the Commission</u> [Each cargo tank vehicle or trailer] shall utilize a wheel stop, in addition to the parking or hand brake, whenever the <u>unit</u> [cargo tank vehicle] is loading, unloading or parked, <u>to prevent the unit from unintended movement.</u>
9.6.2.2	with changes	Valves and fittings shall be protected by a method [approved by the authority having jurisdiction] to minimize the possibility of damage.
11.2	additional requirement	See Commission rules §§9.8, Requirements and Application for a New Certificate and <u>9.51, General Requirements for LP-Gas Training and Continuing Education.</u>
11.3.4(A)	not adopted	See Commission rule §9.129, Manufacturer's Nameplate and Markings on ASME Containers.
12.3.4.2	with changes	The label marking shall consist of a border and the word PROPANE in letters not less than 1 in. (25 mm) in height, centered in the diamond, of silver or white reflective luminous material on a black <u>or Pantone 2945 C Royal Blue or equivalent</u> background.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
12.5.4(5)	additional requirement	<u>Each specific mounting bracket shall be marked in a visible location, to indicate the manufacturer of the bracket.</u>
12.5.13(2)	additional requirement	See Commission rule §9.211(b), Markings.
Chapter 14	not adopted	Commission authority does not extend to marine shipping and receiving activities.
15.1	with changes	<p>Scope. This chapter includes requirements related to the operations and maintenance of bulk plant, industrial plant, [refrigerated, marine] and pipeline LP-Gas systems. The provisions of this chapter apply to all new and existing installations.</p> <p><u>Bulk plants and industrial plants with an aggregate water capacity of 10,000 gallons or more and all pipeline LP-Gas systems shall comply with this chapter. Existing installations shall comply within one year of the effective date of the amendments to §9.403, Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or Additional Requirements.</u></p>