Agency Name: Division of Labor - Department of Labor, Licensing and Regulation

Statutory Authority: 40-82-70

Document Number: 3218

Proposed in State Register Volume and Issue: 32/4

House Committee: Labor, Commerce and Industry Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 04/22/2009

Final in State Register Volume and Issue: 33/5

Status: Final

Subject: Liquefied Petroleum (LP) Gas

History: 3218

By Date Action Description Jt. Res. No. Expiration Date

- 04/25/2008 Proposed Reg Published in SR

- 06/05/2008 Received by Lt. Gov & Speaker 05/12/2009

H 06/05/2008 Referred to Committee

S 06/05/2008 Referred to Committee

- 06/25/2008 Revised 120 Day Review Expiration Date

 for Automatic Approval 04/22/2009

S 03/03/2009 Resolution Introduced to Approve 504

- 04/22/2009 Approved by: Expiration Date

- 05/22/2009 Effective Date unless otherwise

 provided for in the Regulation

Document No. 3218

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**office of state fire marshal**

Chapter 71

Statutory Authority: 1976 Code Section 40-82-70

71-8304. Liquefied Petroleum (LP) Gas

**Synopsis:**

 The Office of State Fire Marshal is deleting and replacing SCRR 71-8304 regarding the Liquefied Petroleum (LP) Gas Board. The new SCRR 71-8304 will use a standardized format, simplify wording, remove obsolete language and clarify licensing and permitting requirements for LP Gas operators.

**Instructions**:

 Delete SCRR 71-8304 (71-8304.1) regarding the Liquefied Petroleum (LP) Gas Board and replace with new 71-8304 (71-8304.1 through 71-8304.4) text as printed below.

**Text:**

SUBARTICLE 5

LIQUEFIED PETROLEUM GAS

71-8304. Liquefied Petroleum (LP) Gas.

71-8304.1. General.

 A. The purpose of this regulation is to provide reasonable protection of the health, welfare, and safety of the public and LP Gas operators from the hazards associated with the handling, use, transportation, and storage of Liquefied Petroleum Gas.

 B. These regulations apply to:

 1. LP Gas Dealers, Installers, Gas Plants, Wholesalers, Resellers, or Cylinder Exchange operators and;

 2. Any person handling, dispensing, transporting, or storing LP Gas.

 C. These regulations shall not apply to:

 1. LP Gas pipeline transmission regulated by the SC Public Safety Commission.

 2. Gas plants after the point where LP Gas or LP Gas and air mixture enters a utility distribution system.

 3. Natural gas systems covered by the International Gas Code.

 D. Definitions

 1. "LP Gas" means Liquefied Petroleum Gas as defined in 40-82-20.

71-8304.2. Codes and Standards.

 A. All references to NFPA standards found in these regulations refer to the editions adopted in SCRR 71-8300.2 and are modified by the following regulations as shown below.

71-8304.3. Licensing and Permitting Fees.

A. The Office of State Fire Marshal is responsible for all administrative activities of the licensing program. The State Fire Marshal shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in South Carolina Code 40-1-50(D).

B. Fees shall be established for the following:

 1. Application

 2. Testing

 3. Permitting

 4. Licensing

 5. Inspection

 6. Renewal

 C. All fees are due at time of application for licenses, testing, permits, inspection, or renewal.

 D. All fees paid to the Office of State Fire Marshal are nonrefundable.

71-8304.4. Licensing Requirements.

 A. Licenses

 1. Each company shall possess a license issued by the Office of State Fire Marshal.

 2. Licenses shall be displayed in a conspicuous location at the place of business for the LP Gas Dealer, Installer, Gas Plant, Wholesaler, Reseller, or Cylinder Exchange operator.

 B. Permits

 1. Each site shall have a designated person that has a permit issued by the Office of State Fire Marshal to supervise people handling, dispensing, installing, transporting, repairing, or exchanging LP Gas.

 2. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven (7) day waiting period. Any applicant who fails the re-test shall wait at least thirty (30) days before reapplying.

 3. Permits shall bear the name, photograph, and any other identifying information deemed necessary by the Office of State Fire Marshal.

 4. Permit holders shall have their permit in their possession when supervising the handling, dispensing, installing, manufacturing, transporting, repairing, or exchanging LP Gas.

 5. Permit holders shall exhibit their permits on request of any AHJ.

 6. Each permit is valid for a period of two (2) years and must be renewed before it expires.

 7. Permits are not transferable.

**Fiscal Impact Statement:**

 There will be no additional cost incurred by the State or any political subdivision.

**Statement of Rationale:**

 The guidelines for Liquefied Petroleum Gas are amended to conform to national guidelines and ensure public safety.