

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 90

BY BUSINESS COMMITTEE

AN ACT

RELATING TO LIQUEFIED PETROLEUM GAS PUBLIC SAFETY; AMENDING SECTION 54-5308, IDAHO CODE, TO PROVIDE A FEE CAP FOR EACH APPLICATION, ORIGINAL LICENSE AND ANNUAL RENEWAL OF ANY FACILITY LICENSE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-5308, Idaho Code, be, and the same is hereby amended to read as follows:

54-5308. FACILITY LICENSE – EQUIPMENT – INSPECTIONS – FEES. (1) The board shall issue a facility license to any person, corporation, partnership, trust, association or other legal entity to operate at specific locations only. No facility license shall be transferable, but an applicant may make application for more than one (1) facility license so long as all of the requirements are met for each license individually. Except as herein otherwise provided, the following shall be considered minimum requirements for a facility license:

- (a) That the applicant is lawfully entitled to do business within the United States;
- (b) That the applicant has not been refused a license for a facility, or its equivalent, or had a personal or facility license revoked in Idaho or in any other state;
- (c) That the applicant has designated the name under which the facility will operate and has designated a specific location for which the facility license is to be issued;
- (d) For a facility with a storage capacity of four thousand one (4,001) gallons or more, that the applicant has at least one (1) dealer licensed under this chapter who is a resident of the state of Idaho and who is, and will be, responsible for the operation of the facility;
- (e) That the applicant has filed an application and paid the required filing fee;
- (f) That the applicant’s facility meets the requirements of the LPG code, except as designated by the board by rule;
- (g) All applications for facility licenses are in writing and contain the name of the applicant, the address and location of the facility and a description of the type of structure and equipment to be used in the operation of the facility, and such further information as may be required by the board to ensure the safe operation of the facility, and its compliance with the requirements of this chapter;
- (h) The person responsible for the operation of a facility maintains such records documenting the storage, transportation, dispensation and utilization of LPG as may be required by the laws of the state of Idaho and the rules adopted by the board;
- (i) In the event a licensed facility ceases to have a licensed dealer in its employ responsible for operation of the facility, all operation involving practices regulated under this chapter shall cease and written notification of such fact shall be submitted immediately to the board. In the event a licensed facility fails to have a licensed dealer in its employ responsible for the facility within thirty (30) days of said notice, the facility license shall be summarily suspended until a licensed dealer is so employed; and

1 (j) A certificate issued by an insurance company authorized to do business in the state of  
2 Idaho as proof that the applicant has procured and has in effect a general liability policy  
3 in the sum of not less than one million dollars (\$1,000,000) single limit.

4 (2) The board may adopt rules setting forth minimum general standards covering the  
5 design, construction, location, installation and operation of systems, equipment, pipes and  
6 containers for storing, handling, transporting by tank truck or tank trailer, and using liquefied  
7 petroleum gases and specifying the odorization of the gases and the degree thereof.

8 (3) The board shall adopt inspection rules regarding LPG facilities.

9 (4) The bureau of occupational licenses shall collect a fee not to exceed five hundred  
10 dollars (\$500) for each application, each original license and each annual renewal of any  
11 facility license issued pursuant to this chapter and shall deposit all fees in the state treasury  
12 in accordance with section 67-2605, Idaho Code. The actual fees shall be set by board rule.  
13 Fees paid under the provisions of this chapter shall not be refunded unless otherwise specified  
14 herein.