

Dear Senators COOK, Ward-Engelking, Lakey, and
Representatives CLOW, Crane, Berch:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Idaho State Liquefied Petroleum Gas Safety Board:
IDAPA 24.22.01 - Rules of the Idaho State Liquefied Petroleum Gas Safety Board (ZBR Chapter
Rewrite) - Proposed Rule (Docket No. 24-2201-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 09/30/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/28/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: September 11, 2024

SUBJECT: Division of Occupational and Professional Licenses - Idaho State Liquefied Petroleum Gas Safety Board

IDAPA 24.22.01 - Rules of the Idaho State Liquefied Petroleum Gas Safety Board (ZBR Chapter Rewrite)
- Proposed Rule (Docket No. 24-2201-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - Idaho State Liquefied Petroleum Gas Safety Board submits notice of proposed rule at IDAPA 24.22.01 - Rules of the Idaho State Liquefied Petroleum Gas Safety Board. This is a chapter rewrite pursuant to Zero-based regulation. According to the division, the rule-making seeks to streamline and simplify the rule language. The division notes that the rulemaking does not impose or increase any fees.

Negotiated Rulemaking / Fiscal Impact

The division states that negotiated rulemaking was conducted and that the rulemaking will not have a negative fiscal impact on the General Fund.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 54-5310, 67-2614, 67-9406 and 67-9409, Idaho Code.

cc: Division of Occupational and Professional Licenses - Idaho State Liquefied Petroleum Gas Safety Board
Krissy Veseth

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, as well as 54-5301 through 54-5318, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

<p>24.22.01 – Rules of the Idaho State Liquefied Petroleum Gas Safety Board</p> <p>Tuesday, October 8, 2024 – 9 a.m. (MT) Division of Occupational and Professional Licenses Eaglerock Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714</p> <p>Virtual Meeting Link</p> <p>Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.</p>

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Liquefied Petroleum Gas Safety Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-2201-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2024, Idaho Administrative Bulletin, [Vol. 24-7, pg. 217-218](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2024.

DATED this 2nd day of August, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2201-2401
(ZBR Chapter Rewrite)

24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections [67-2614](#), [67-9406](#), and [67-9409](#), 54-5310, Idaho Code.

[\(3-28-23\)](#)()

001. SCOPE.

These rules govern the Idaho Liquefied Petroleum Gas Public Safety Act.

(3-28-23)

~~002. 003.~~ **(RESERVED)**

004. INCORPORATION BY REFERENCE.

The document titled Liquefied Petroleum Gas Code, 2017 Edition, commonly known as NFPA 58, published by National Fire Protection Association (NFPA), is herein incorporated by reference and is available for public inspection at the Board's office. Copies of the 2017 Liquefied Petroleum Gas Code are available for purchase from the National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322.

(3-28-23)

~~005. -- 174099.~~ **(RESERVED)**

100. LICENSURE.

01. Education and Examination. Each applicant must provide proof that they have successfully completed the following: ()

a. The Fundamentals of Propane Training provided by the Propane Education and Research Council, or equivalent as approved by the Board; and ()

b. Receipt of a passing grade on the Fundamental of Propane Training examination provided by the propane Education and Research Council or the equivalent as determined by the Board within the thirty-six (36) months immediately preceding application. ()

02. Supervised Practical Experience. Each applicant must provide certified proof that the applicant has obtained at least two thousand (2,000) hours of practical experience in a Liquefied Petroleum Gas (LPG) facility while the applicant was under supervision of a licensed dealer. ()

03. Endorsement. Any person who holds a current, unsuspended, unrevoked or otherwise nonsanctioned license in another state or country that has licensing requirements substantially equivalent to or higher than those in Idaho may, submit the required application, supporting documentation, and required fee, for Board consideration. Those applicants who received their professional education or experience outside of the United States must provide such additional information concerning their professional education or experience as the Board may request. The Board may, in its discretion, require successful completion of additional course work or examination for any applicant under this provision. ()

04. Dealer-in-Training License. An individual may not begin obtaining supervised practical experience until the individual has applied for and obtained a dealer-in-training license from the board. Such license is issued on a non-renewable basis and is for the purpose of enabling the individual to gain the supervised practical experience that the person must obtain to become an LPG dealer. The dealer-in-training license is valid for eighteen (18) months from the date of issue. ()

05. Facility Licensure and Operation Requirements. ()

a. Application for a facility license must include a certificate of general liability insurance set forth in these rules and plans and specifications complying with local ordinances and zoning requirements. All applications must be submitted to the Board for approval and a license must be issued before a new facility may open for business; ()

b. Each facility application must clearly identify and designate a location adequate to allow the facilities safe operation and the selling, filling, refilling, or commercial handling or commercial storage of liquefied petroleum gas; ()

c. Each facility must meet all requirements of NFPA 58. ()

06. Facility Changes in Ownership or Location. ()

a. Whenever a change of ownership or location of a facility occurs, an original application must be submitted, the fee must be paid and compliance with all rules concerning a new facility documented, before a new license will be issued. FACILITY LICENSES ARE NOT TRANSFERABLE. ()

b. Deletion of an owner from multiple ownership does not constitute a change in ownership. ()

c. Addition of an owner to multiple ownership does constitute a change in ownership. ()

d. Whenever any facility ceases operation at the licensed location, the owner(s) must notify the Board in writing that the facility is out of business and the facility license must be submitted to the Division. A new facility license will not be issued for any location that is currently licensed as a facility at the time of application. ()

07. General Liability Insurance Requirement. No facility license will be issued without a certificate showing proof of a current general liability insurance policy in the sum of not less than one million dollars (\$1,000,000) for an occurrence. The Board may conduct random audits. ()

300. DISCIPLINE.

~~01. Civil Fine.~~ The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) for each violation of Section 54-5315, Idaho Code. ()

~~301. -- 399. (RESERVED)~~

~~175~~**400. FEES.**

All fees are non-refundable:

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL (Not to Exceed)
Application	\$30	
Individual License	\$75	\$75
Endorsement	\$75	
Dealer-in-training	\$50	
Facility License	\$100	\$100
Bulk Storage Facility	\$400	\$400
Facility Reinspection	\$125	

(3-28-23)

~~176. -- 224. (RESERVED)~~

~~225. APPROVED EDUCATION AND EXAMINATIONS.~~

Each applicant must provide certified proof that they have successfully completed the following: (3-28-23)

~~01. Basic Education.~~ The Basic Certified Employee Training Program (CETP) provided by the National Propane Gas Association or the equivalent as determined by the Board within the thirty-six (36) months immediately preceding application. (3-28-23)

~~02. Licensure Examination.~~ Receipt of a passing grade on the Basic Certified Employee Training Program (CETP) examination provided by the National Propane Gas Association or the equivalent as determined by the Board within the thirty-six (36) months immediately preceding application. (3-28-23)

~~226. -- 249. (RESERVED)~~

~~250. PRACTICAL EXPERIENCE.~~

~~01. Supervised Practical Experience.~~ Each applicant must provide certified proof that the applicant has successfully obtained at least one (1) year of practical experience in a Liquefied Petroleum Gas (LPG) facility while the applicant was under supervision of a licensed dealer. A person in the process of meeting the practical experience requirement must complete the education and examination requirements and apply for a dealer license within eighteen (18) months of beginning to obtain supervised experience. (3-28-23)

~~02. Dealer in Training License.~~ An individual may not begin obtaining supervised practical experience until the individual has applied for and obtained a dealer in training license from the board. Such license is issued on a non-renewable basis and is for the purpose of enabling the individual to gain the supervised practical experience that the person must obtain to become an LPG dealer. The dealer in training license is valid for eighteen (18) months from the date of issue. (3-28-23)

~~251. -- 349. (RESERVED)~~

350. FACILITY LICENSURE.

01. Facility Licensure and Operation Requirements. (3-28-23)

a. Application for a facility license must include a certificate of general liability insurance set forth in these rules and plans and specifications complying with local ordinances and zoning requirements. All applications must be submitted to the Board for approval and a license must be issued before a new facility may open for business; (3-28-23)

b. Each facility application must clearly identify and designate a location adequate to allow the facilities safe operation and the selling, filling, refilling, or commercial handling or commercial storage of liquefied petroleum gas; (3-28-23)

e. Each facility must meet all requirements of NFPA 58. (3-28-23)

02. Facility Changes in Ownership or Location. (3-28-23)

a. Whenever a change of ownership or location of a facility occurs, an original application must be submitted, the fee must be paid and compliance with all rules concerning a new facility documented, before a new license will be issued. **FACILITY LICENSES ARE NOT TRANSFERABLE.** (3-28-23)

b. Deletion of an owner from multiple ownership does not constitute a change in ownership. (3-28-23)

e. Addition of an owner to multiple ownership does constitute a change in ownership. (3-28-23)

d. Whenever any facility ceases operation at the licensed location, the owner(s) must notify the Board in writing that the facility is out of business and the facility license must be submitted to the Division. A new facility license will not be issued for any location that is currently licensed as a facility at the time of application. (3-28-23)

351.—354. (RESERVED)

355. GENERAL LIABILITY INSURANCE REQUIREMENT.

No facility license will be issued without a certificate showing proof of a current general liability insurance policy in the sum of not less than one million dollars (\$1,000,000) for an occurrence. The Board may conduct random audits of facility licenses and request documentation of a current general liability insurance policy. (3-28-23)

01. Original Facility License Application. An application for facility license will not be considered complete without a certificate of general liability insurance showing a current policy. The policy must be kept in full force and effect. (3-28-23)

02. Renewal of Facility License. All licenses being renewed must certify that the facility holds a current general liability insurance policy. (3-28-23)

356401. -- 374499.(RESERVED)

375500. INSPECTION RULES.

All facilities are subject to inspection by the Board or its agents at any time without notice to insure the safe operation of each facility and to insure continued compliance with the requirements of NFPA 58 and the Idaho laws and rules. The Board may adopt a form which establishes for the facility those material rules of NFPA 58 which will be inspected, and a level of compliance necessary for issuance or retention of a license or disciplinary action. The Board may further determine the time frame a facility may be granted in order to comply with NFPA 58, but still continue to operate, or pursue disciplinary action for a failure to comply. In the event of non-compliance necessitating re-inspection, the Board may assess a re-inspection fee. (3-28-23)

376.—399. (RESERVED)

400. ~~ENDORSEMENT.~~

~~Any person who holds a current, unsuspended, unrevoked or otherwise nonsanctioned license in another state or country that has licensing requirements substantially equivalent to or higher than those in Idaho may, submit the required application, supporting documentation, and required fee, for Board consideration. Those applicants who received their professional education or experience outside of the United States must provide such additional information concerning their professional education or experience as the Board may request. The Board may, in its discretion, require successful completion of additional course work or examination for any applicant under this provision.~~ (3-28-23)

401. ~~449.~~ (RESERVED)

450. ~~DISCIPLINE.~~

01. ~~Civil Fine.~~ The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed LPG dealer or a licensed LPG facility for each violation of Section 54-5315, Idaho Code. (3-28-23)

02. ~~Costs and Fees.~~ The Board may order a licensed LPG dealer or a licensed LPG facility to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-5315, Idaho Code. (3-28-23)

451~~501.~~ -- 999. (RESERVED)