

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 610 & 835

89TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Conservation, Parks and Tourism, March 2, 1998, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

S1934.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 323.020 and 323.060, RSMo 1994, relating to liquefied petroleum gases, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 323.020 and 323.060, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 323.020 and 323.060, to read as follows:

323.020. 1. The director of the department of agriculture shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases and specifying the odorization of such gases and the degree thereof. The regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulations shall be adopted by the director of the department of agriculture pursuant to chapter 536, RSMo. **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant**

to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.

2. **Except as specifically provided in subsection 1 of section 323.060**, regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

323.060. 1. No person shall engage in this state in the business of selling at retail of liquefied petroleum gas, or in the business of handling or transportation of liquefied petroleum gas over the highways of this state or in the business of installing or servicing equipment and appliances for use with liquefied petroleum gas without having first registered with the director of the department of agriculture. **No person shall engage in this state in the business of selling at retail of liquefied petroleum gas unless such person owns and operates one or more storage tanks located in the state of Missouri including a main storage tank with a capacity of at least eighteen thousand gallons.**

2. Nonresidents of the state of Missouri desiring to engage in the business of distribution of liquefied petroleum gases at retail, or the business of installing, repairing or servicing equipment and appliances for use of liquefied petroleum gases shall comply with sections 323.010 to 323.110 and rules and regulations promulgated thereunder.

3. All utility operations of public utility companies subject to the safety jurisdiction of the public service commission are exempt from the provisions of this section.