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**IDAPA 24
TITLE 22
CHAPTER 01**

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

000. LEGAL AUTHORITY (RULE 0).

In accordance with Section 54-5310, Idaho Code, the Idaho State Liquefied Petroleum Gas Safety Board shall promulgate rules that implement the provisions of Chapter 53, Title 54, Idaho Code. (3-30-06)

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.22.01, "Rules of the Idaho State Liquefied Petroleum Gas Safety Board." (3-30-06)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-30-06)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-30-06)

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled National Fire Protection Association Code 58, 2004 Edition, commonly known as NFPA 58, is herein incorporated by reference and is available at the Board's office. (4-2-08)

005. ADDRESS OF IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD (RULE 5).

The office of the Idaho State Liquefied Petroleum Gas Safety Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is lpd@ibol.idaho.gov. The Board's official web site is <http://www.ibol.idaho.gov/lpd.htm>. (3-30-06)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Idaho State Liquefied Petroleum Gas Safety Board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-30-06)

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. Board means the Idaho State Liquefied Petroleum Gas Safety Board as created in Section 54-5309, Idaho Code. (3-30-06)

02. Bureau. Bureau means the Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. (3-30-06)

03. Person. Person means any sole individual. (3-30-06)

04. Facility. Facility means any facility at a fixed location licensed pursuant to this chapter whose activities include selling, filling, refilling, or commercial handling or commercial storage of LPG. (3-30-06)

011. -- 099. (RESERVED).

100. ORGANIZATION (RULE 100).

01. Meetings. The Board shall meet not less than annually and at other such times and places as designated by the Chairman or upon the written request of two (2) members of the Board. (3-30-06)

a. All meetings shall be held in accordance with the Idaho Open Meeting Law, Chapters 2340 - 2347, Title 67, Idaho Code. (3-30-06)

b. A minimum of three (3) Board members shall constitute a quorum and may exercise all powers and authority conferred on the Board in order to hold a meeting of the Board. A majority vote of the Board members present at a meeting shall be considered the action of the Board as a whole. (3-30-06)

02. Organization of the Board. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. (3-30-06)

a. The Chairman shall when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. (3-30-06)

b. The Chief of the Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. (3-30-06)

101. -- 149. (RESERVED).

150. APPLICATION (RULE 150).

Each applicant for a license shall submit a complete application on application forms approved by the Board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. (3-30-06)

151. – 174. (RESERVED).

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application fee - thirty dollars (\$30). (3-30-06)

02. Original Individual License and Annual Renewal Fee. License fee -- fifty dollars (\$50). (3-30-06)

03. Original Facility License Fee and Annual Renewal Fee. Facility with ten thousand (10,000) gallon or less storage capacity -- fifty dollars (\$50). (3-30-06)

04. Original Bulk Storage Facility Fee and Annual Renewal Fee. Bulk Storage Facility with more than ten thousand (10,000) gallon storage capacity -- two hundred dollars (\$200). (3-30-06)

05. Endorsement Fee. Endorsement fee -- fifty dollars (\$50). (3-30-06)

06. Reinstatement Fee. Reinstatement fee -- fifty dollars (\$50). (3-30-06)

07. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license. (3-30-06)

176. – 199. (RESERVED).

200. RENEWAL OF LICENSE (RULE 200).

01. Expiration Date. All licenses expire and must be renewed annually on forms approved by the Board on the birth date of an individual licensee or the anniversary date of the original license for a facility in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (3-30-06)

02. Reinstatement. Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (3-30-06)

201. -- 224. (RESERVED).

225. APPROVED EDUCATION (RULE 225).

Each applicant shall provide certified proof that they have successfully completed one (1) of the following: (3-30-06)

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. (3-30-06)

02. Other Education. For applicants prior to July 1, 2006, documented training relevant to the LPG industry preceding application, and acceptable to the Board. (3-30-06)

226. -- 249. (RESERVED)

250. PRACTICAL EXPERIENCE (RULE 250).

Each applicant shall provide certified proof that they have successfully completed one (1) of the following. (3-30-06)

01. Supervised Experience. Supervised experience of no less than one (1) year in an LPG facility 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 make application for a dealer license within eighteen (18) months of beginning to obtain supervised experience. (3-30-06)

02. Other Experience. (3-30-06)

a. Applicants prior to July 1, 2006, must document practice for not less than five (5) years in the field for which they are applying for a license including LPG industry experience in Idaho prior to July 1, 2005. (3-30-06)

b. Applicants after July 1, 2006, but prior to January 1, 2007 must document supervised experience of no less than one (1) year in an LPG facility under supervision. A person in the process of meeting the practical experience requirement must complete the education and examination requirements and make application for a dealer license within eighteen (18) months of beginning to obtain supervised experience. (3-30-06)

251. -- 299. (RESERVED).

300. EXAMINATIONS (RULE 300).

Each applicant shall provide certified proof that they have successfully completed one (1) of the following. (3-30-06)

01. 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. (3-30-06)

02. Other Examination. For applicants prior to July 1, 2006, receipt of a passing grade on an examination relevant to the LPG industry and acceptable to the Board. (3-30-06)

301. - 349. (RESERVED).

350. FACILITY LICENSURE (RULE 350).

01. Facility Licensure and Operation Requirements. (3-30-06)

a. Application for a facility license shall be made on forms available from the Bureau and shall 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 shall be submitted to the Board for approval and a license

must be issued before a new facility may open for business; (4-2-08)

b. Each facility application shall 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; (3-30-06)

c. Each facility shall meet all requirements of NFPA 58. (3-30-06)

02. Facility Changes in Ownership or Location. (3-30-06)

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. (3-30-06)

b. Deletion of an owner from multiple ownership does not constitute a change in ownership. (3-30-06)

c. Addition of an owner to multiple ownership does constitute a change in ownership. (3-30-06)

d. Whenever any facility ceases operation at the licensed location, the owner(s) shall notify the Board in writing that the facility is out of business and the facility license shall be submitted to the Bureau. A new facility license will not be issued for any location that is currently licensed as a facility at the time of application. (3-30-06)

351. -- 354. (RESERVED).

355. GENERAL LIABILITY INSURANCE REQUIREMENT (RULE 355).

As set forth in 54-5308(1)(j), Idaho Code, 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. (4-2-08)

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. (4-2-08)

02. Renewal of Facility License. All licenses being renewed must certify that the facility holds a current general liability insurance policy. (4-2-08)

03. Audit of Liability Insurance. The Board may conduct random audits of facility licenses and request documentation of a current general liability insurance policy. (4-2-08)

356. -- 374. (RESERVED).

375. INSPECTION RULES (RULE 375).

All facilities shall be 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. (4-2-08)

376. -- 399. (RESERVED).

400. ENDORSEMENT (RULE 400).

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 shall 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. (3-30-06)

401. -- 449. (RESERVED).

450. DISCIPLINE (RULE 450).

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. (3-30-06)

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. (3-30-06)

451. -- 999. (RESERVED).

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