

WAYNE CHRISTIAN, *CHAIRMAN*
 CHRISTI CRADDICK, *COMMISSIONER*
 JIM WRIGHT, *COMMISSIONER*



ALEXANDER C. SCHOCH, *GENERAL COUNSEL*

RAILROAD COMMISSION OF TEXAS

OFFICE OF GENERAL COUNSEL

MEMORANDUM




TO: Chairman Wayne Christian
 Commissioner Christi Craddick
 Commissioner Jim Wright

FROM: Haley Cochran, Attorney
 Office of General Counsel

THROUGH: Alexander C. Schoch, General Counsel

DATE: June 28, 2022

SUBJECT: Adopt Amendments to 16 TAC Chapter 9 and
 Associated AFS Forms

June 28, 2022		
Approved	Denied	Abstain
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Attached is Staff's recommendation to adopt amendments to 16 Texas Administrative Code Chapter 9, relating to LP Gas Safety Rules. The amendments implement changes made by Senate Bill 1582 and Senate Bill 1668 from the 87th Texas Legislative Regular Session, 2021. Staff also recommends adoption of related forms LPG Form 7, LPG Form 7A, LPG Form 7T, LPG Form 16P, and PERC Based Training Application.

Senate Bill 1582 amended Natural Resources Code sections 113.087 and 113.088 to provide for licensing and registration examination to be performed by a proctoring service. Senate Bill 1668 added Natural Resources Code section 113.0955 to require the Commission to waive its certification requirements for an individual who completes training consistent with the guidelines established by the Propane Education & Research Council (PERC) and complies with certain examination requirements.

On May 3, 2022, the Commission approved the publication of the proposed amendments in the Texas Register for a public comment period, which ended on June 3, 2022. The Commission received fourteen comments on the proposal. Staff recommends that the Commission adopt the amendments with changes to the proposed text as published in the May 20, 2022, issue of the Texas Register (47 TexReg 2971). The recommended changes are described in the attached adoption preamble.

The forms related to the proposed amendments were presented at the Commission's June 7, 2022 open meeting and were approved to be posted on the Commission's website for public review and comment. Staff recommends the forms be revised to reflect the changes made to the rules in response to comments.

cc: Wei Wang, Executive Director
 Kari French, Director, Oversight and Safety Division
 April Richardson, Director, Alternative Fuels Safety

1 The Railroad Commission of Texas (Commission) adopts amendments to the following rules in
2 Subchapter A, General Requirements: §9.2, Definitions; §9.6, License Categories, Container
3 Manufacturer Registration, and Fees; §9.7, Applications for Licenses, Manufacturer Registrations, and
4 Renewals; §9.8, Requirements and Application for a New Certificate; §9.10, Rules Examination; §9.16,
5 Hearings for Denial, Suspension, or Revocation of Licenses, Manufacturer Registrations, or Certificates;
6 §9.22, Changes in Ownership, Form of Dealership, or Name of Dealership; §9.51, General Requirements
7 for LP-Gas Training and Continuing Education; §9.52, Training and Continuing Education; §9.54,
8 Commission-Approved Outside Instructors; and adopts new §9.20, Dispenser Operations Certificate
9 Exemption; and §9.55, PERC-Based Training.

10 In Subchapter B, LP-Gas Installations, Containers, Appurtenances, and Equipment Requirements,
11 the Commission adopts amendments to §9.126, Appurtenances and Equipment; §9.130, Commission
12 Identification Nameplates; §9.134, Connecting Container to Piping; §9.140, System Protection
13 Requirements; §9.141, Uniform Safety Requirements; §9.142, LP-Gas Container Storage and Installation
14 Requirements; and §9.143, Piping and Valve Protection for Stationary LP-Gas Installations with
15 Individual or Aggregate Water Capacities of 4,001 Gallons or More.

16 In Subchapter C, Vehicles, the Commission adopts amendments to §9.202, Registration and
17 Transfer of LP-Gas Transports or Container Delivery Units, and §9.211, Markings.

18 In Subchapter E, Adoption by Reference of NFPA 58 (LP-Gas Code), the Commission adopts
19 amendments to §9.403, Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or
20 Additional Requirements.

21 The Commission adopts the following rules with changes from the proposed text as published in
22 the May 20, 2022, issue of the Texas Register (47 TexReg 2971): §§9.2, 9.7, 9.8, 9.10, 9.20, 9.51, 9.52
23 and its corresponding table, 9.55, 9.126, 9.140, 9.143, and the table in §9.403(a).

24 The Commission adopts the remaining rules without changes from the proposed text as published
25 in the May 20, 2022, issue of the Texas Register (47 TexReg 2971). The proposed amendment in §9.26 is
26 withdrawn because the Commission no longer seeks to amend §9.26. The rules adopted with changes due
27 to public comments are discussed below.

28 The Commission received 14 comments on the proposed new rules and amendments. Two
29 comments were submitted by members of the legislature, two comments were submitted by associations
30 (the Texas Propane Gas Association (TPGA) and the Texas Retailers Association (TRA)), two comments
31 were submitted by companies, and eight comments were submitted by individuals.

32 AmeriGas Propane and four individuals asked that the Commission remove the 24-hour
33 emergency number requirements from proposed §9.7 because it is not applicable to all types of licenses,
34 particularly those that do not have hazard exposure. The Commission agrees that the requirements for 24-

1 hour emergency numbers should remain in existing §9.140, relating to System Protection Requirements.
2 Thus, the Commission adopts §9.7 and §9.140 with changes to keep 24-hour emergency number
3 requirements in §9.140.

4 The Honorable Senator Bryan Hughes, the Honorable Representative John Raney, AmeriGas,
5 TRA, TPGA, Tractor Supply Company and two individuals submitted comments on proposed new rule
6 §9.20, proposed as "DOT Cylinder Filler Certificate Exemption." These commenters noted that both DOT
7 cylinder filling and motor/mobile fuel filling are covered by the Propane Education & Research Council
8 (PERC) Dispensing Propane Safely Course and that the certificate exemption in §9.20 should not be
9 limited to DOT cylinder filling. The Commission agrees and adopts §9.20 and §9.55 with changes to
10 allow the certificate exemption to authorize an individual to conduct both DOT cylinder filling and
11 motor/mobile fuel filling. This change is reflected in the new title of §9.20, which is "Dispenser
12 Operations Certificate Exemption." The title change is incorporated in references within §9.20 as well as
13 references to §9.20 in the following rules: §9.2, 9.8, 9.51, 9.52, and 9.55. Section 9.20 is also adopted
14 with a change to correct the PERC course title to "Dispensing Propane Safely." AmeriGas, TRA, and
15 Tractor Supply asked that §9.20 include a requirement that the Commission send certificates within 10
16 days of receiving a complete certificate exemption application submitted under §9.20. The Commission
17 declines to add this requirement because circumstances sometimes prevent applications from being
18 processed in that timeframe. However, the Commission notes that Alternative Fuels Safety (AFS) staff
19 strive to send certificates within 10 days.

20 Regarding §9.52, AmeriGas, TPGA, and four individuals submitted comments requesting the
21 Commission continue to allow CETP courses as an option for managers to fulfill continuing education
22 requirements. The Commission disagrees because CETP courses do not include information on
23 Commission rules, with which managers must be familiar. The Commission notes that Commission
24 continuing education courses are only required every four years and are offered online at no charge.

25 Another individual submitted a comment about §9.52 stating that manager certification should be
26 open book and managers should not be required to take the 80-hour course. This comment is not relevant
27 to the current rulemaking because that provision of §9.52 was not included in the proposed amendments.

28 The Commission received several comments about new §9.55, proposed as "PERC-Based
29 Outside Instructor Training." First, two individuals asked that the Commission not adopt §9.55 and just
30 use PERC guidelines. The Commission disagrees. Section 9.55 incorporates the requirements of Senate
31 Bill 1668. Senate Bill 1668 added Texas Natural Resources Code section 113.0955, which requires the
32 Commission to waive its certification requirements for an individual who completes training consistent
33 with the guidelines established by PERC and complies with certain examination requirements. Senate Bill
34 1668 also requires the Commission to waive certification requirements for an individual who completes

1 an examination that uses PERC training and examination materials and submits proof of completion of
2 the examination to the Commission.

3 The Commission also received comments from the Honorable Senator Bryan Hughes, the
4 Honorable Representative John Raney, AmeriGas, TRA, TPGA, and Tractor Supply Company regarding
5 §9.55. These commenters agreed that §9.55 as proposed did not reflect the intent of Senate Bill 1668,
6 which was to simplify the process for obtaining a certificate by allowing training and examination outside
7 the Commission using approved PERC content. The comments asked the Commission to remove the
8 outside-instructor certification process and replace with a process to allow approval of courses and exams
9 based on PERC content. The Commission agrees and adopts the rule with several changes. First, the title
10 of the rule has changed to "PERC-Based Training." The rule as adopted states that AFS may award
11 training and certification or continuing education credit to DOT cylinder filling or motor/mobile fuel filler
12 employee-level applicants and certificate holders for PERC-based courses administered by a company
13 provided the company complies with the requirements of this section. One individual commented that
14 §9.55 should only apply to licensed companies. The Commission disagrees. Section 9.55 as adopted
15 incorporates suggestions from TPGA, AmeriGas, and one individual that approved companies (both
16 licensees and non-licensees) should be eligible to conduct PERC-based training courses.

17 Under §9.55 as amended, a company who seeks to administer a PERC-based course shall submit
18 the PERC-Based Training Application. This new form was proposed at the Commission's June 7, 2022
19 open meeting separately from the proposed rulemaking. At the time, it was proposed as an outside
20 instructor application. However, the new form adopted concurrent with §9.55 is amended to reflect
21 changes made to the rule. An applicant must also submit the course curriculum and examination materials
22 for AFS approval. The curriculum must be consistent with the guidelines established by the PERC
23 Dispensing Propane Safety Course and shall also include training on the requirements of Commission
24 rules listed in §9.20(4). The remaining changes adopted in §9.55 remove references and requirements
25 applicable to outside instructors and further simplify the section. For example, the adopted version of
26 §9.55 still allows for complaints to be submitted about PERC-based courses; however, the adopted
27 version references an existing complaint process in §9.54 rather than including the process in §9.55.

28 Regarding §§9.126 and 9.143, AmeriGas, TPGA, and five individuals asked that the Commission
29 allow the use of electric actuators on both internal and ESV valves. The Commission agrees and has
30 added "electrically-actuated" alongside "pneumatically-actuated" in both §9.126 and §9.143.

31 Two individuals submitted comments about proposed §9.134, which removes the requirement for
32 a licensee to submit LPG Form 22 if the piping system is currently in service and no new piping is
33 installed, the system is in good working order, and the installer cannot be determined. One comment
34 appeared to be in favor of the changes. Another individual asked that the requirement be retained because

1 it protects the licensee and notifies the Commission of a potential rule violation. The Commission
2 disagrees because filing a Form 22 does not prompt an investigation if the installer is unknown. The
3 Commission notes that a licensee can keep a similar record if such a record protects the licensee.

4 The Commission received seven comments on §9.140 – one from TPGA, one from AmeriGas
5 and five from individuals. TPGA, AmeriGas, and four individuals requested that the Commission not
6 require additional crash protection for DOT cylinders in the horizontal position unless the cylinders are
7 located in areas frequented by the public. The Commission agrees and has made corresponding changes to
8 §9.140(g). One individual requested that the Commission exempt Manchester crash ring vertical tanks
9 from additional crash protection requirements. The Commission notes that Manchester has an exception
10 on file that allows for the crash ring referenced in the comment to be installed. Another individual
11 requested that the Commission add language to §9.140 to identify the diameter of the hole required to
12 concrete a vertical crash post into the ground. The Commission declines to make this change as this
13 provision was not included in the proposed amendments to §9.140.

14 Regarding §9.143, AmeriGas, TPGA, and four individuals asked that the Commission allow the
15 use of engineered breakaways as an additional safety option for piping and valve protection on stationary
16 LP-gas installations. The Commission agrees and adopts §9.143 with changes in subsection (e)(7)(E) to
17 allow engineered breakaways meeting certain requirements.

18 The last comments relate to §9.403 and the table incorporated in that section. One individual
19 asked that the Commission move toward adopting the 2020 version of the National Fire Protection
20 Association (NFPA) standards. The Commission will consider these changes in a future rulemaking.
21 TPGA asked that in the table included in §9.403, regarding NFPA section 6.29.3.2, the language that
22 installations shall comply with the requirement "prior to" September 1, 2022 be changed to "by"
23 September 1, 2022. The Commission agrees and has made the requested change in the table.

24 Finally, the Commission adopts §9.10 with a change in subsection (c)(4)(F) to clarify that an
25 individual paying a fee for a testing or proctoring service may submit that fee to the testing or proctoring
26 service or to the Commission, depending on the testing or proctoring service's payment processes. This
27 change will go into effect September 1, 2022 to allow testing/proctoring services and the Commission
28 time to alter systems as necessary to accept these fees.

29 The Commission adopts the amendments and new rules to incorporate provisions of Senate Bill
30 1582 (SB 1582) and Senate Bill 1668 (SB 1668), both enacted during the 87th Texas Legislative Session
31 (Regular Session, 2021). Additional amendments are adopted as discussed in the following paragraphs.

32 Senate Bill 1668 added Natural Resources Code section 113.0955, which requires the
33 Commission to waive its certification requirements for an individual who completes training consistent
34 with the guidelines established by the Propane Education & Research Council (PERC) and complies with

1 certain examination requirements. To incorporate this exemption, the Commission adopts amendments to
2 the following rules: the definition of "certificate holder" in §9.2(5)(E) to include in the definition a person
3 who holds a current Dispenser Operations certificate exemption; §9.8 to add new subsection (d) stating
4 that an applicant for a new Dispenser Operations certificate exemption shall comply with requirements of
5 new §9.20, which describes how an individual may apply for a Dispenser Operations certificate
6 exemption.

7 New §9.20 provides two processes through which an individual may obtain the Dispenser
8 Operations certificate exemption created by SB 1668. First, an individual may complete training and
9 examination directly with PERC. An applicant for an exemption pursuant to this process in §9.20(1) must
10 submit new LPG Form 16P, which was proposed at the Commission's June 7, 2022 open meeting. The
11 new form will be adopted concurrently with §9.20 and incorporates changes needed to address those
12 made in the rule, as discussed above. The applicant must also provide confirmation from PERC that the
13 individual completed the PERC "Dispensing Propane Safely" course and corresponding examination.
14 New §9.20(1)(A)(ii)(III) states an effective date of July 18, 2022, which is the date the amendments will
15 go into effect.

16 The second process through which an individual may obtain the Dispenser Operations certificate
17 exemption is adopted in §9.20(2). This process requires an individual to complete an approved PERC-
18 based course in accordance with §9.55.

19 New §9.20(3) - (10) specify additional requirements for individuals who receive the certificate
20 exemption. New §9.20(4) requires that individuals who are issued the exemption comply with certain
21 Commission rules, which are not covered by the PERC Dispensing Propane Safely course.

22 Other related amendments in §9.51(b) and (d)(4) and §9.52(a)(2)(C)(iv) add references to the
23 Dispenser Operations certificate exemption, and new §9.52(h) provides continuing education credit for
24 completion of a PERC-based course. This is also reflected in changes to the Figure in §9.52(g)(1).

25 Finally, as addressed above, new rule §9.55 contains the requirements for administering a PERC-
26 based training course such that an individual who takes those courses and examinations is eligible for the
27 Dispenser Operations certificate exemption.

28 *Senate Bill 1582*

29 Senate Bill 1582 amended Natural Resources Code sections 113.087 and 113.088 to provide for
30 licensing and registration examination to be performed by a proctoring service. The bill also removed the
31 requirement that a testing service that administers an examination collect a nonrefundable examination
32 fee on behalf of the Commission. The Commission adopts amendments in §9.10(c)(1)(c) to incorporate
33 the use of an online testing or proctoring service and in subsection (c)(4)(F) to ensure individuals who
34 register for an examination to be administered by a testing or proctoring service pay any required fee

1 required by to the testing or proctoring service in addition to paying the examination fee to the
2 Commission. Subsection (c)(4)(F) is adopted with a clarifying change as well as a specific effective date
3 as discussed above.

4 *House Bill 2714 (86th Legislature, 2019)*

5 The Commission proposed an amendment in §9.26(a) pursuant to House Bill 2714 from the 86th
6 Legislative Session regarding manufacturer registration. The Commission finds that the proposed
7 wording is not needed and therefore withdraws the change as proposed in §9.26(a).

8 *Other Adopted Amendments*

9 In §9.2, the Commission adopts removing the definitions of "Advanced field training (AFT)" and
10 "AFT materials." The Commission also removes AFT requirements and references throughout the chapter
11 because AFT is no longer required. These amendments are adopted in §§9.8, 9.52, and 9.54. The
12 Commission also removes the definition of "repair to container" in §9.2 and instead adopts clarification
13 regarding cylinder repair in §9.6(e). Changes made to or maintenance of a cylinder or cargo tank excluded
14 from the definition of repair in 49 CFR §§180.203, 180.403, and 180.413 do not require a license. In
15 §9.6(b)(14) the Commission adds a reference to 25 horsepower, and in §9.6(d) adds "subframing," both of
16 which were inadvertently omitted from previously adopted amendments in Chapter 9.

17 The Commission adopts new §9.7(i) with a change from the proposal so that the text from §9.140
18 regarding specific standards for a 24-hour emergency telephone number is no longer included as part of
19 the Commission's licensing requirements. The Commission adopts the addition of "A2" in §9.7(m)(2)
20 because this license category was inadvertently omitted from previously adopted amendments in Chapter
21 9. New subsection (m)(3) is adopted to ensure the license categories repairing or testing ASME containers
22 are filing the correct certificate of authorization from ASME and to address situations in which ASME is
23 unable to issue authorization prior to a license expiration date.

24 The Commission adopts a change in §9.10(d)(1)(G) to clarify that the Recreational Vehicle
25 Technician examination qualifies an individual to install and repair appliances on recreational vehicles in
26 addition to the activities listed in existing subsection (d)(1)(G). In §9.16(e)(3), §9.22(a)(2), and §9.130,
27 the Commission corrects references to AFS and removes requirements for mailing; and in §9.10, §9.51
28 and §9.52(e) and (f) adopts clarifying changes regarding AFS scheduling and registration for courses to
29 reflect current Commission practice.

30 The Commission removes outdated tables from §9.52(h) and adopts changes to list available
31 continuing education courses in §9.52(e) and (f). Adopted changes in §9.52(i), renumbered as subsection
32 (g), clarify that CETP courses are now only offered for employee-level certificate holders. These changes
33 are also reflected in the new Figure in §9.52(g)(1).

1 In §9.126 and §9.143, the Commission changes references from pneumatically-operated to
2 pneumatically-actuated because pneumatically-actuated valves can be operated automatically or manually
3 through the use of cables. The Commission also adopts these sections with changes to incorporate
4 "electrically-actuated" as requested in comments. In §9.134, the Commission adopts new subsection (d) to
5 address situations where LPG Form 22 is required but an LP-gas licensee does not know who the
6 previous installer was. In §9.140(g), the Commission adopts new wording to address protection for
7 cylinders in the horizontal position. These protection requirements are adopted with a change due to
8 comments. Cylinders in the vertical position are not addressed separately because the cages required by
9 NFPA 58 §8.4.2.2 were determined to be sufficient protection in a study by the Southwest Research
10 Institute.

11 Some amendments clarify previously adopted amendments regarding the National Fire Protection
12 Association (NFPA) standards. These amendments are not substantive but were inadvertently omitted
13 from the previous adopted amendments in Chapter 9. The amendments to clarify NFPA updates are found
14 in §9.140(1) and (3), (d)(3), (f)(3) and (4), and (g)(2), and §9.141(b)(3) and (i), §9.142(b), and §9.211(b).

15 The Commission adopts amendments to §9.202 to coincide with the proposal of new forms,
16 which will be adopted concurrently with §9.202.

17 The Commission also adopts a change to the Figure in §9.403 to remove the effective date in the
18 title of the Figure, which is not necessary for this rulemaking. The Figure shows text from certain sections
19 in NFPA 58 which the Commission has not adopted or has adopted with changes or with additional
20 requirements. The text shown as underlined in the Figure indicates text that the Commission has added or
21 changed from the NFPA 58 wording; the text shown with strike-outs indicates text that the Commission
22 has deleted from the NFPA 58 text. In the case of this Figure, the underlining and strike-outs are retained
23 in the adopted version of the Figure to show the changes. In this rulemaking, the specific changes to the
24 Figure are found on the following rows: the rows for 5.2.8.1, 6.13.5, and 6.27.3.17 which correct a
25 typographical error in the reference to §9.140(f) and the row for 6.8.2.1 which corrects a typographical
26 error in the NFPA 58 section number. The row for 6.19.2 is being changed from an additional
27 requirement to being adopted with changes; the Commission retains the wording of 6.19.12, including
28 paragraphs (A) and (B), but adopts paragraph (C) to require compliance with §9.116. The addition of row
29 6.27.5.2 corrects an error from NFPA in the 2020 edition of NFPA 58; the change in the Figure ensures
30 consistency with the NFPA tentative interim amendment issued for the 2020 version of NFPA 58, which
31 the Commission has not yet adopted. In the row for 6.29.3.2, the Commission changes the wording to
32 include the specific date of September 1, 2022, instead of the reference to two years from the effective
33 date of the code. As discussed above, TPGA requested that the table use "by September 1, 2022" instead
34 of "prior to September 1, 2022" and the Commission adopts the table with that change.

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The Commission adopts the amendments and new rules under Natural Resources Code sections 113.087 and 113.088, amended by Senate Bill 1582 (87th Legislature, Regular Session), and Natural Resources Code section 113.0955, added by Senate Bill 1668 (87th Legislature, Regular Session). The Commission also adopts the amendments under Texas Natural Resources Code, §113.051, which authorizes the Commission to promulgate and adopt rules and standards relating to any and all aspects or phases of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

Statutory authority: Texas Natural Resources Code, §§113.051, 113.087, 113.088 and 113.0955.

Cross reference to statute: Texas Natural Resources Code Chapter 113.

SUBCHAPTER A. GENERAL REQUIREMENTS.

§9.2. Definitions.

In addition to the definitions in any adopted NFPA pamphlets, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) (No change.)

~~[(2) Advanced field training (AFT)--The final portion of the training or continuing education requirements in which an individual shall successfully perform the specified LP-gas activities in order to demonstrate proficiency in those activities.]~~

~~[(3) AFT materials--The portion of a Commission training module consisting of the four sections of the Railroad Commission's LP-Gas Qualifying Field Activities, including General Instructions, the Task Information, the Operator Qualification Checklist, and the Railroad Commission/Employer Record.]~~

(2) [(4)] Aggregate water capacity (AWC)--The sum of all individual container capacities measured by weight or volume of water which are placed at a single installation location.

(3) [(5)] Bobtail driver--An individual who operates an LP-gas cargo tank motor vehicle of 5,000 gallons water capacity or less in metered delivery service.

(4) [(6)] Breakaway--The accidental separation of a hose from a cylinder, container, transfer equipment, or dispensing equipment, which could occur on a cylinder, container, transfer equipment, or dispensing equipment whether or not they are protected by a breakaway device.

(5) [(7)] Certificate holder--An individual:

1 (A) who has passed the required management-level qualification examination,
2 pursuant to §9.10 of this title (relating to Rules Examination);

3 (B) who has passed the required employee-level qualification examination
4 pursuant to §9.10 of this title;

5 (C) who holds a current reciprocal examination exemption pursuant to §9.18 of
6 this title (relating to Reciprocal Examination Agreements with Other States); [ø]

7 (D) who holds a current examination exemption certificate pursuant to §9.13 of
8 this title (relating to General Installers and Repairman Exemption); or [-]

9 (E) who holds a current Dispenser Operations ~~DOT cylinder filler~~ certificate
10 exemption pursuant to §9.20 of this title (relating to Dispenser Operations ~~DOT Cylinder Filler Certificate~~
11 Exemption).

12 (6) [(8)] Certified--Authorized to perform LP-gas work as set forth in the Texas Natural
13 Resources Code. Employee certification alone does not allow an individual to perform those activities
14 which require licensing.

15 (7) [(9)] CETP--The Certified Employee Training Program offered by the Propane
16 Education and Research Council (PERC), the National Propane Gas Association (NPGA), or their
17 authorized agents or successors.

18 (8) [(40)] Commercial installation--An LP-gas installation located on premises other than
19 a single family dwelling used as a residence, including but not limited to a retail business establishment,
20 school, bulk storage facility, convalescent home, hospital, cylinder exchange operation, service station,
21 forklift refueling facility, private motor/mobile fuel cylinder filling operation, a microwave tower, or a
22 public or private agricultural installation.

23 (9) [(44)] Commission--The Railroad Commission of Texas.

24 (10) [(42)] Company representative--The individual designated to the Commission by a
25 license applicant or a licensee as the principal individual in authority and, in the case of a licensee other
26 than a Category P licensee, actively supervising the conduct of the licensee's LP-gas activities.

27 (11) [(43)] Container delivery unit--A vehicle used by an operator principally for
28 transporting LP-gas in cylinders.

29 (12) [(44)] Continuing education--Courses required to be successfully completed at least
30 every four years by certificate holders to maintain certification.

31 (13) [(45)] Director--The director of AFS or the director's delegate.

32 (14) [(46)] DOT--The United States Department of Transportation.

1 (15) [(17)] Employee--An individual who renders or performs any services or labor for
2 compensation, including individuals hired on a part-time or temporary basis, on a full-time or permanent
3 basis, and owner-employees.

4 (16) [(18)] Interim approval order--The authority issued by the Railroad Commission of
5 Texas following a public hearing allowing construction of an LP-gas installation.

6 (17) [(19)] Leak grades--An LP-gas leak that is:

7 (A) a Grade 1 leak that represents an existing or probable hazard to persons or
8 property, and requires immediate repair or continuous action until the conditions are no longer hazardous;
9 or

10 (B) a Grade 2 leak that is recognized as being nonhazardous at the time of
11 detection, but requires a scheduled repair based on a probable future hazard.

12 (18) [(20)] Licensed--Authorized by the Commission to perform LP-gas activities
13 through the issuance of a valid license.

14 (19) [(21)] Licensee--A person which has applied for and been granted an LP-gas license
15 by the Commission, or who holds a master or journeyman plumber license from the Texas State Board of
16 Plumbing Examiners or a Class A or B Air Conditioning and Refrigeration Contractors License from the
17 Texas Department of Licensing and Regulation and has properly registered with the Commission.

18 (20) [(22)] LP-Gas Safety Rules--The rules adopted by the Railroad Commission in the
19 Texas Administrative Code, Title 16, Part 1, Chapter 9, including any NFPA or other documents adopted
20 by reference. The official text of the Commission's rules is that which is on file with the Secretary of
21 State's office and available at the Secretary of State's web site or the Commission's web site.

22 (21) [(23)] LP-gas system--All piping, fittings, valves, and equipment, excluding
23 containers and appliances, that connect one or more containers to one or more appliances that use or
24 consume LP-gas.

25 (22) [(24)] Mass transit vehicle--Any vehicle which is owned or operated by a political
26 subdivision of a state, city, or county, used primarily in the conveyance of the general public.

27 (23) [(25)] Mobile fuel container--An LP-gas container mounted on a vehicle to store LP-
28 gas as the fuel supply to an auxiliary engine other than the engine to propel the vehicle or for other uses
29 on the vehicle.

30 (24) [(26)] Mobile fuel system--An LP-gas system, excluding the container, to supply
31 LP-gas as a fuel to an auxiliary engine other than the engine to propel the vehicle or for other uses on the
32 vehicle.

33 (25) [(27)] Motor fuel container--An LP-gas container mounted on a vehicle to store LP-
34 gas as the fuel supply to an engine used to propel the vehicle.

1 (26) [(28)] Motor fuel system--An LP-gas system, excluding the container, which
2 supplies LP-gas to an engine used to propel the vehicle.

3 (27) [(29)] Noncorrosive--Corrosiveness of gas which does not exceed the limitation for
4 Classification 1 of ASTM International (ASTM) Copper Strip Classifications when tested in accordance
5 with ASTM D 1834-64, "Copper Strip Corrosion of Liquefied Petroleum (LP) Gases."

6 (28) [(30)] Nonspecification unit--An LP-gas transport not constructed to DOT MC-330
7 or MC-331 specifications but which complies with the exemption in 49 Code of Federal Regulations
8 §173.315(k). (See also "Specification unit" in this section.)

9 (29) [(31)] Operations supervisor--The individual who is certified by the Commission to
10 actively supervise a licensee's LP-gas activities and is authorized by the licensee to implement operational
11 changes.

12 (30) [(32)] Outlet--A site operated by an LP-gas licensee from which any regulated LP-
13 gas activity is performed.

14 (31) [(33)] Outside instructor--An individual, other than a Commission employee,
15 approved by AFS to teach certain LP-gas training or continuing education courses.

16 (32) [(34)] Person--An individual, partnership, firm, corporation, joint venture,
17 association, or any other business entity, a state agency or institution, county, municipality, school
18 district, or other governmental subdivision, or licensee, including the definition of "person" as defined in
19 the applicable sections of 49 CFR relating to cargo tank hazardous material regulations.

20 (33) [(35)] Portable cylinder--A receptacle constructed to DOT specifications, designed
21 to be moved readily, and used for the storage of LP-gas for connection to an appliance or an LP-gas
22 system. The term does not include a cylinder designed for use on a forklift or similar equipment.

23 (34) [(36)] Property line--The boundary which designates the point at which one real
24 property interest ends and another begins.

25 (35) [(37)] Public transportation vehicle--A vehicle for hire to transport persons,
26 including but not limited to taxis, buses (excluding school buses and mass transit or special transit
27 vehicles), or airport courtesy vehicles.

28 (36) [(38)] Recreational vehicle--A vehicular-type unit primarily designed as temporary
29 living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is
30 mounted on, or towed by, another vehicle.

31 (37) [(39)] Registered manufacturer--A person who has applied for and been granted a
32 registration to manufacture LP-gas containers by the Commission.

1 ~~[(40) Repair to container--The correction of damage or deterioration to an LP-gas~~
2 ~~container, the alteration of the structure of such a container, or the welding on such container in a manner~~
3 ~~which causes the temperature of the container to rise above 400 degrees Fahrenheit.]~~

4 (38) [(41)] Rules examination--The Commission's written examination that measures an
5 examinee's working knowledge of Chapter 113 of the Texas Natural Resources Code and/or the current
6 rules in this chapter.

7 (39) [(42)] School--A public or private institution which has been accredited through the
8 Texas Education Agency or the Texas Private School Accreditation Commission.

9 (40) [(43)] School bus--A vehicle that is sold or used for purposes that include carrying
10 students to and from school or related events.

11 (41) [(44)] Self-service dispenser--A listed device or approved equipment in a structured
12 cabinet for dispensing and metering LP-gas between containers that must be accessed by means of a
13 locking device such as a key, card, code, or electronic lock, and which is operated by a certified employee
14 of an LP-gas licensee or an ultimate consumer trained by an LP-gas licensee.

15 (42) [(45)] Service station--An LP-gas installation that, for retail purposes, operates a
16 dispensing station and/or conducts cylinder filling activities.

17 (43) [(46)] Special transit vehicle--A vehicle designed with limited passenger capacity
18 which is used by a mass transit authority for special transit purposes, such as transport of mobility
19 impaired persons.

20 (44) [(47)] Specification unit--An LP-gas transport constructed to DOT MC-330 or MC-
21 331 specifications. (See also "Nonspecification unit" in this section.)

22 (45) [(48)] Subframing--The attachment of supporting structural members to the pads of a
23 container, excluding welding directly to or on the container.

24 (46) [(49)] Trainee--An individual who has not yet taken and passed an employee-level
25 rules examination.

26 (47) [(50)] Training--Courses required to be successfully completed as part of an
27 individual's requirements to obtain or maintain certain certificates.

28 (48) [(51)] Transfer system--All piping, fittings, valves, pumps, compressors, meters,
29 hoses, bulkheads, and equipment utilized in transferring LP-gas between containers.

30 (49) [(52)] Transport--Any bobtail or semitrailer equipped with one or more containers.

31 (50) [(53)] Transport driver--An individual who operates an LP-gas trailer or semi-trailer
32 equipped with a container of more than 5,000 gallons water capacity.

33 (51) [(54)] Transport system--Any and all piping, fittings, valves, and equipment on a
34 transport, excluding the container.

1 (52) [(55)] Ultimate consumer--A person who buys a product to use rather than for resale.

2
3 §9.6. License Categories, Container Manufacturer Registration, and Fees.

4 (a) (No change.)

5 (b) The license categories and fees are as follows.

6 (1) - (13) (No change.)

7 (14) A Category L license for engine and mobile fuel authorizes the sale and installation
8 of LP-gas motor or mobile fuel containers, and the sale and installation of LP-gas motor or mobile fuel
9 systems over 25 horsepower. The original license fee is \$100; the renewal is \$50.

10 (15) - (18) (No change.)

11 (c) (No change.)

12 (d) A container manufacturer registration authorizes the manufacture, assembly, repair,
13 subframing, testing and sale of LP-gas containers. The original registration fee is \$1,000; the renewal fee
14 is \$600.

15 (e) Repair to a US DOT cylinder or cargo tank is defined in 49 CFR §§180.203, 180.403 and
16 180.413. Changes made to or maintenance of a cylinder or cargo tank excluded from the definition of
17 repair in 49 CFR §§180.203, 180.403 and 180.413 do not require a license.

18
19 §9.7. Applications for Licenses, Manufacturer Registrations, and Renewals.

20 (a) - (f) (No change.)

21 (g) A licensee shall submit LPG Form 1A listing all outlets operated by the licensee.

22 (1) (No change.)

23 (2) Each outlet shall be listed on the licensee's renewal as specified in subsection (k) [(†)]
24 of this section.

25 (h) (No change.)

26 (i) Applications for license or registration must include a 24-hour emergency telephone number
27 that shall be:

28 (1) monitored at all times; and

29 (2) be answered by a person who is knowledgeable of the hazards of LP gas and who has
30 comprehensive LP gas emergency response and incident information, or has immediate access to a person
31 who possesses such knowledge and information. A telephone number that requires a call back (such as an
32 answering service, answering machine, or beeper device) does not meet the requirements of this section.

33 (j) [(†)] AFS will review an application for license or registration to verify all requirements have
34 been met.

1 (1) If errors are found or information is missing on the application or other documents,
2 AFS will notify the applicant of the deficiencies in writing.

3 (2) The applicant must respond with the required information and/or documentation
4 within 30 days of the written notice. Failure to respond by the deadline will result in withdrawal of the
5 application.

6 (3) If all requirements have been met, AFS will issue the license or manufacturer
7 registration and send the license or registration to the licensee or manufacturer, as applicable.

8 (k) [(j)] For license and manufacturer registration renewals:

9 (1) AFS shall notify the licensee or registered manufacturer in writing at the address on
10 file with AFS of the impending license or manufacturer registration expiration at least 30 calendar days
11 before the date the license or registration is scheduled to expire.

12 (2) The renewal notice shall include copies of applicable LPG Forms 1, 1A, and 7, or
13 LPG Form 1M showing the information currently on file.

14 (3) The licensee or registered manufacturer shall review and return all renewal
15 documentation to AFS with any necessary changes clearly marked on the forms. The licensee or
16 registered manufacturer shall submit any applicable fees with the renewal documentation.

17 (4) Failure to meet the renewal deadline set forth in this section shall result in expiration
18 of the license or manufacturer registration.

19 (5) If a person's license or manufacturer registration expires, that person shall
20 immediately cease performance of any LP-gas activities authorized by the license or registration.

21 (6) If a person's license or manufacturer registration has been expired for 90 calendar
22 days or fewer, the person shall submit a renewal fee that is equal to 1 1/2 times the renewal fee in §9.6 of
23 this title (relating to License Categories, Container Manufacturer Registration, and Fees).

24 (7) If a person's license or manufacturer registration has been expired for more than 90
25 calendar days but less than one year, the person shall submit a renewal fee that is equal to two times the
26 renewal fee.

27 (8) If a person's license or manufacturer registration has been expired for one year or
28 more, that person shall not renew but shall comply with the requirements for issuance of an original
29 license or manufacturer registration under subsection (f) or (h) of this section.

30 (9) After verification that the licensee or registered manufacturer has met all requirements
31 for licensing or manufacturer registration, AFS shall renew the license or registration and send the
32 applicable authorization to the licensee or manufacturer.

33 (l) [(k)] A person who was licensed in this state, moved to another state, and is currently licensed
34 and has been in practice in the other state for the two years preceding the date of application may obtain a

1 new license without reexamination. The person shall pay to AFS a fee that is equal to two times the
2 renewal fee required by §9.6 of this title.

3 (1) As a prerequisite to licensing pursuant to this provision, the person shall submit, in
4 addition to an application for licensing, proof of having been in practice and licensed in good standing in
5 another state continuously for the two years immediately preceding the filing of the application;

6 (2) A person licensed under this provision shall be required to comply with all
7 requirements of licensing other than the examination requirement, including but not limited to the
8 insurance requirements as specified in §9.26 of this title and the continuing education and training
9 requirements as specified in §9.51 of this title (relating to General Requirements for LP-Gas Training and
10 Continuing Education), and §9.52 of this title (relating to Training and Continuing Education).

11 (m) ~~(h)~~ Applicants for license or license renewal in the following categories shall comply with
12 these additional requirements:

13 (1) An applicant for a Category B or O license or renewal shall file with AFS a properly
14 completed LPG Form 505 certifying that the applicant will follow the testing procedures indicated. The
15 company representative designated on the licensee's LPG Form 1 shall sign LPG Form 505.

16 (2) An applicant for Category A, A2, B, or O license or renewal who tests tanks,
17 subframes LP-gas cargo tanks, or performs other activities requiring DOT registration shall file with AFS
18 a copy of any applicable current DOT registrations. Such registration shall comply with Title 49, Code of
19 Federal Regulations, Part 107 (Hazardous Materials Program Procedures), Subpart F (Registration of
20 Cargo Tank and Cargo Tank Motor Vehicle Manufacturers and Repairers and Cargo Tank Motor Vehicle
21 Assemblers).

22 (3) An applicant for Category A, A1 or O license or renewal who repairs or tests ASME
23 containers shall file with AFS a copy of its current ASME Code, Section VIII certificate of authorization
24 or "R" certificate. If ASME is unable to issue a renewed certificate of authorization prior to the expiration
25 date, the manufacturer may request in writing an extension of time not to exceed 60 calendar days past the
26 expiration date. The request for extension shall be received by AFS prior to the expiration date of the
27 ASME certificate of authorization referred to in this section, and shall include a letter or statement from
28 ASME that the agency is unable to issue the renewal certificate of authorization prior to expiration and
29 that a temporary extension will be granted for its purposes. A registered manufacturer shall not continue
30 to operate after the expiration date of an ASME certificate of authorization until the manufacturer files a
31 current ASME certificate of authorization with AFS or AFS grants a temporary exception.

32

33 §9.8. Requirements and Application for a New Certificate.

34 (a) - (b) (No change.)

1 (c) An applicant for a new certificate shall:

2 (1) file with AFS a properly completed LPG Form 16 and the applicable nonrefundable
3 rules examination fee specified in §9.10 of this title (relating to Rules Examination);

4 (2) pass the applicable rules examination with a score of at least 75%; and

5 (3) complete any required training [~~and/or AFT~~] in §9.51 and §9.52 of this title.

6 (d) An applicant for a new **Dispenser Operations** ~~DOT cylinder filler~~ certificate exemption shall
7 comply with the requirements of §9.20 of this title (relating to **Dispenser Operations** ~~DOT Cylinder Filler~~
8 Certificate Exemption).

9 (e) [~~(d)~~] An individual who holds an employee-level certificate who wishes to obtain a
10 management-level certificate shall comply with the requirements of this section, including training and
11 fees.

12
13 §9.10. Rules Examination.

14 (a) - (b) (No change.)

15 (c) An individual who files LPG Form 16 and pays the applicable nonrefundable examination fee
16 may take the rules examination.

17 (1) Dates and locations of available Commission LP-gas examinations may be obtained
18 [~~in the Austin offices of AFS and~~] on the Commission's web site[~~, and shall be updated at least monthly~~].
19 Examinations may be administered: [~~conducted~~]

20 (A) at the Commission's AFS Training Center in Austin; [~~between the hours of~~
21 ~~8:00 a.m. and 12:00 noon, Monday through Friday, except for state holidays, and~~]

22 (B) at other designated [~~times and~~] locations around the state; and [-]

23 (C) through an online testing or proctoring service.

24 (2) Individuals or companies may request in writing that examinations be given in their
25 area. AFS shall schedule [~~its~~] examinations [~~and locations~~] at its discretion.

26 (3) [~~(2)~~] Except in a case where a conditional qualification has been requested in writing
27 and approved under §9.17(g) of this title (relating to Designation and Responsibilities of Company
28 Representatives and Operations Supervisors), the Category E, F, G, I, and J management-level rules
29 examination shall be administered only in conjunction with the Category E, F, G, I, and J management-
30 level courses of instruction. Management-level rules examinations other than Category E, F, G, I, and J
31 may be administered on any scheduled examination day.

32 (4) [~~(3)~~] Exam fees.

33 (A) The nonrefundable management-level rules examination fee is \$70.

34 (B) The nonrefundable employee-level rules examination fee is \$40.

1 (C) The nonrefundable examination fee shall be paid each time an individual
2 takes an examination.

3 (D) Individuals who register and pay for a Category E, F, G, I, or J training
4 course as specified in §9.51(j)(2)(A) of this title (relating to General Requirements for LP-Gas Training
5 and Continuing Education) shall pay the charge specified for the applicable examination.

6 (E) A military service member, military veteran, or military spouse shall be
7 exempt from the examination fee pursuant to the requirements in §9.14 of this title (relating to Military
8 Fee Exemption). An individual who receives a military fee exemption is not exempt from renewal,
9 training, or continuing education fees specified in §9.9 of this title (relating to Requirements for
10 Certificate Holder Renewal, §9.51 of this title, and §9.52 of this title (relating to Training and Continuing
11 Education).

12 (F) Beginning September 1, 2022, individuals who register for an examination to
13 be administered by a testing or proctoring service shall pay any ~~required fee~~ required by ~~to~~ the testing or
14 proctoring service in addition to paying the examination fee to the Commission.

15 (5) [(4)] Time limits.

16 (A) An applicant shall complete the examination within the time limit specified
17 in this paragraph.

18 (i) The Category E management-level (closed book), Bobtail employee-
19 level (open book), and Service and Installation employee-level (open book) examinations shall be limited
20 to three hours.

21 (ii) All other management-level and employee-level examinations shall
22 be limited to two hours.

23 (B) The examination proctor shall be the official timekeeper.

24 (C) An examinee shall submit the examination and the answer sheet to the
25 examination proctor before or at the end of the established time limit for an examination.

26 (D) The examination proctor shall mark any answer sheet that was not completed
27 within the time limit.

28 (6) [(5)] The Commission may offer employee-level LP-Gas Transport Driver, DOT
29 Cylinder Filling, and Motor/Mobile Fuel Dispensing examinations in Spanish or English.

30 (d) This subsection specifies the examinations offered by the Commission.

31 (1) Employee-level examinations.

32 (A) - (F) (No change.)

33 (G) The Recreational Vehicle Technician examination qualifies an individual to
34 install LP-gas motor or mobile fuel containers, including cylinders, and to install and repair LP-gas

1 systems and appliances on recreational vehicles. The Recreational Vehicle Technician examination does
2 not authorize an individual to fill LP-gas containers.

3 (H) - (J) (No change.)

4 (2) (No change.)

5 (e) Within 15 calendar days of the date an individual takes an examination, AFS shall notify the
6 individual of the results of the examination. If the examination is graded or reviewed by a testing or
7 proctoring service, AFS shall notify the individual of the examination results within 14 days of the date
8 AFS receives the results from the testing or proctoring service. If the notice of the examination results
9 will be delayed for longer than 90 days after the examination date, AFS shall notify the individual of the
10 reason for the delay before the 90th day. AFS may require a testing or proctoring service to notify an
11 individual of the individual's examination results.

12 (f) - (h) (No change.)

13
14 §9.16. Hearings for Denial, Suspension, or Revocation of Licenses, Manufacturer Registrations, or
15 Certificates.

16 (a) - (b) (No change.)

17 (c) Suspension or revocation of licenses, manufacturer registrations, or certificates.

18 (1) - (2) (No change.)

19 (3) The licensee, registered manufacturer, or certificate holder shall either report the
20 correction or discontinuance of the violation or noncompliance within the time frame specified in the
21 notice or shall request an extension of time in which to comply. The request for extension of the time to
22 comply shall be received by AFS [LP-Gas Operations] within the same time frame specified in the notice
23 for correction or discontinuance.

24 (d) (No change.)

25
26 §9.20. Dispenser Operations DOT Cylinder Filler Certificate Exemption.

27 An individual may perform work and directly supervise LP-gas activities requiring contact with
28 LP-gas if the individual is granted the DOT Cylinder Filler Dispenser Operations Certificate Exemption.
29 The exemption may be obtained by completing the Dispensing Propane Safely—Small Cylinder course,
30 including examination, and complying with paragraph (1) of this section or by completing a PERC-based
31 outside instructor training course and examination in accordance with paragraph (2) of this section.

32 (1) Dispenser Operations DOT Cylinder Filling Certificate Exemption through PERC.

33 (A) To be granted a Dispenser Operations DOT Cylinder Filler Certificate
34 Exemption through PERC, the applicant shall:

- 1 (i) submit a properly completed LPG Form 16P;
- 2 (ii) submit a legible copy of the PERC certificate of completion, which
- 3 shall:
- 4 (I) indicate that the Dispensing Propane Safely—Small Cylinder
- 5 course has been completed, including a copy of the transcript listing the Filling Cylinders by Weight
- 6 examinations was completed;
- 7 (II) be issued to the individual listed on LPG Form 16P; and
- 8 (III) have a completion date after July 18, 2022, and within six
- 9 months of the date the LPG Form 16P is submitted;
- 10 (iii) submit a legible copy of a state-issued identification card or driver's
- 11 license, including a photo; and
- 12 (iv) pay a \$40 registration fee.
- 13 (B) AFS will review the application to verify all requirements have been met.
- 14 (i) If errors are found or information is missing on the application or
- 15 other documents, AFS shall notify the applicant of the deficiencies in writing.
- 16 (ii) The applicant must respond with the required information and/or
- 17 documentation within 30 days of the written notice. Failure to respond by the deadline will result in
- 18 withdrawal of the application.
- 19 (iii) If all requirements have been met, the individual will become a DOT
- 20 cylinder filler and motor/mobile fuel filler certificate holder as addressed in §9.10(d)(1)(F) and (d)(1)(J)
- 21 of this title, respectively, (relating to Rules Examination) and AFS shall send a certificate to the licensee.
- 22 (2) Dispenser Operations DOT Cylinder Filling Certificate Exemption through a PERC-
- 23 based course Outside Instructor.
- 24 (A) Any individual who completes an approved PERC-based course ~~under the~~
- 25 ~~supervision of a PERC outside instructor~~ will be granted a Dispenser Operations DOT Cylinder Filler
- 26 Certificate Exemption provided the PERC outside instructor submits the report as required in §9.55(h) of
- 27 this title (relating to PERC-Based Outside Instructor Training) is submitted. The course shall include
- 28 training and examination. The examination shall be proctored by a PERC outside instructor. If all
- 29 requirements have been met, the individual will become a DOT cylinder filler and motor/mobile fuel filler
- 30 certificate holder as addressed in §9.10(d)(1)(F) and (d)(1)(J) of this title, respectively, and AFS shall
- 31 send a certificate to the licensee listed on the ~~PERC outside instructor's~~ report.
- 32 (B) AFS may refuse to issue or renew a certificate for an individual who presents
- 33 for credit an unapproved course; a course from an unapproved company ~~PERC outside instructor;~~ or a
- 34 course using unapproved, incomplete, or incorrect materials.

1 (3) The Dispenser Operations DOT Cylinder Filling Certificate Exemption does not
2 become effective until the certificate is issued by AFS.

3 (4) Certificate holders issued a Dispenser Operations DOT Cylinder Filler Certificate
4 exemption shall comply with the rules in this chapter, including the following rules:

5 (A) §9.135 of this title (relating to Unsafe or Unapproved Containers, Cylinders,
6 or Piping);

7 (B) §9.136 of this title (relating to Filling of DOT Containers);

8 (C) §9.137 of this title (relating to Inspection of Cylinders at Each Filling);

9 (D) §9.141(d) and (g) of this title (relating to Uniform Safety Requirements); and

10 (E) the entry for NFPA 58 §7.4.3.1 in the Figure in §9.403 of this title (relating to
11 Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or Additional
12 Requirements).

13 ~~(5) The DOT cylinder filler certificate exemption does not include the motor/mobile fuel~~
14 ~~filler certificate. Individuals may only fill US DOT cylinders by weight with this exemption. Universal~~
15 ~~cylinders, commonly used on forklifts and floor buffers, may be filled by volume using filling procedures~~
16 ~~required by §9.136 of this title (relating to Filling of DOT Containers).~~

17 ~~—— (6) Individuals who will fill containers mounted on a vehicle for mobile or motor fuel~~
18 ~~must meet the requirements of §9.8(c) of this title (relating to Requirements and Application for a New~~
19 ~~Certificate).~~

20 (5) The certificate accrues to the individual and is nontransferable. An individual who has
21 been issued a certificate shall make the certificate readily available and shall present it to any Commission
22 employee or agent who requests proof of certification.

23 (6) Each individual shall:

24 (A) comply with all applicable continuing education requirements in §9.51 and
25 §9.52 of this title (relating to General Requirements for LP-Gas Training and Continuing Education, and
26 Training and Continuing Education, respectively);

27 (B) comply with renewal requirements in §9.9 of this title (relating to
28 Requirements for Certificate Holder Renewal); and

29 (C) be employed by a licensee or a license-exempt entity in accordance with §9.7
30 of this title (relating to Application for Licenses, Manufacturer Registrations, and Renewals.

31 (7) Failure to comply with the renewal requirements in §9.9 of this title shall result in the
32 expiration of the certificate. If an individual's exemption has been expired for more than two years, that
33 individual shall complete all requirements necessary to apply for a new certificate.

1 (8) A military service member, military veteran, or military spouse shall be exempt from
2 the original registration fee pursuant to the requirements in §9.14 of this title (relating to Military Fee
3 Exemption). An individual who receives a military fee exemption is not exempt from renewal fees
4 specified in §9.9 of this title.

5
6 §9.22. Changes in Ownership, Form of Dealership, or Name of Dealership.

7 (a) Changes in ownership which require a new license or manufacturer registration.

8 (1) (No change.)

9 (2) Other changes in ownership. A change in members of a partnership occurs upon the
10 death, withdrawal, expulsion, or addition of a partner. Upon the death of a sole proprietor or partner, the
11 dissolution of a corporation or partnership, any change in the members of a partnership, or other change
12 in ownership not specifically provided for in this section, an authorized representative of the previously
13 existing dealership or of the successor in interest shall notify AFS in writing and shall immediately cease
14 all LP-gas activities of the previously existing dealership which require an LP-gas license or manufacturer
15 registration and shall not resume until AFS [LP-Gas Operations] issues an LP-gas license or manufacturer
16 registration to the successor in interest.

17 (b) - (e) (No change.)

18
19 §9.26. Insurance and Self-Insurance Requirements.

20 (a) A licensee or registered manufacturer shall not perform any activity authorized by its license
21 or registration under §9.6 of this title (relating to License Categories, Container Manufacturer
22 Registration, and Fees) unless insurance coverage required by this section is in effect. LP-gas licensees,
23 registered manufacturers, or applicants for license or manufacturer registration shall comply with the
24 minimum amounts of insurance specified in Table 1 of this section or with the self-insurance
25 requirements in subsection (i) of this section, if applicable. Registered manufacturers are not eligible for
26 self-insurance. Before AFS grants or renews a manufacturer registration, an applicant for a manufacturer
27 registration shall submit the documents required by paragraph (1) of this subsection. Before AFS grants
28 or renews a license or manufacturer registration, an applicant for a license shall submit either:

29 Figure: 16 TAC §9.26(a) (No change.)

30 (1) - (2) (No change.)

31 (b) - (j) (No change.)

32
33 §9.51. General Requirements for LP-Gas Training and Continuing Education.

34 (a) (No change.)

1 (b) Applicants for new certificates, as set forth in §9.8 of this title (relating to Requirements and
2 Application for a New Certificate) and persons holding existing certificates or a Dispenser Operations
3 DOT cylinder filler certificate exemption shall comply with the training or continuing education
4 requirements in this chapter. Any individual who fails to comply with the training or continuing education
5 requirements by the assigned deadline may regain certification by paying the nonrefundable course fee
6 and satisfactorily completing an authorized training or continuing education course within two years of
7 the deadline. In addition to paying the course fee, the person shall pay any fee or late penalties to AFS.

8 (c) (No change.)

9 (d) The continuing education requirements apply to the following individuals:

10 (1) Category D, E, F, G, I, J, K, and M management-level certificate holders;

11 (2) any ultimate consumer who has purchased, leased, or obtained other rights in any LP-
12 gas bobtail, including any employee of such ultimate consumer if that employee drives or in any way
13 operates the equipment on an LP-gas bobtail; ~~and~~

14 (3) individuals holding the following employee-level certifications:

15 (A) bobtail driver;

16 (B) DOT cylinder filler;

17 (C) recreational vehicle technician;

18 (D) service and installation technician;

19 (E) appliance service and installation technician; and

20 (F) motor/mobile fuel filler; and [-]

21 (4) individuals holding a Dispenser Operations DOT cylinder filler certificate exemption.

22 (e) - (h) (No change.)

23 (i) Schedules. Dates and locations of available AFS LP-gas training and continuing education
24 courses can be obtained ~~[in the Austin offices of AFS, and]~~ on the Commission's web site ~~[and shall be~~
25 ~~updated at least monthly]~~. AFS courses shall be conducted in Austin and in other locations around the
26 state. Individuals or companies may request in writing that AFS courses be taught in their area. AFS shall
27 schedule ~~[its]~~ courses ~~[and locations]~~ at its discretion.

28 (j) Course registration and scheduling.

29 (1) Registering for a course. To register for a scheduled training or continuing education
30 course, an individual shall complete the online registration process at least seven days prior to the course.
31 ~~[AFS shall also accept course registrations via regular mail, electronic mail (e-mail), or facsimile~~
32 ~~transmission (fax). Such requests shall include the applicant's full name, address, phone number, level~~
33 ~~(either manager or employee) and category of certification (such as cylinder filling or service and~~
34 ~~installation), e-mail address, and the name or number, location, and date of the requested course.]~~

1 (2) Costs for courses.

2 (A) - (C) (No change.)

3 (D) Continuing education courses shall be offered at no charge to certificate
4 holders who have timely paid the annual certificate renewal fee specified in §9.9 of this title (relating to
5 Requirements for Certificate Holder Renewal).

6 (E) - (F) (No change.)

7 (3) [~~Course scheduling. AFS shall schedule individuals to attend courses on a first come,~~
8 ~~first served basis, based on when the course fee is paid except as follows:]~~

9 [~~(A) Priority for attending the 16-hour Category F, G, I, and J course, and the 80-~~
10 ~~hour Category E course is based on when the course fee is paid.]~~

11 [~~(B) Priority for attending courses other than the 16-hour Category F, G, I, and J~~
12 ~~course, and the 80-hour Category E course shall be given to applicants or certificate holders who must~~
13 ~~comply with training or continuing education requirements by the next May 31 deadline.]~~

14 [~~(C)] If any course has fewer than eight individuals registered within seven~~
15 ~~calendar days prior to the course, AFS may cancel the course and may reschedule the registered~~
16 ~~individuals in another course agreed upon by the individuals and the AFS training section. The AFS~~
17 ~~training section reserves the right to determine the number of course registrants.~~

18 (4) - (5) (No change.)

19 (k) - (l) (No change.)

20
21 §9.52. Training and Continuing Education.

22 (a) Training. Individuals identified in §9.51(c) of this title (relating to General Requirements for
23 LP-Gas Training and Continuing Education) shall complete training.

24 (1) (No change.)

25 (2) Training requirements.

26 (A) - (B) (No change.)

27 (C) Category D, K and M management-level applicants and all applicants for
28 employee-level certifications that are subject to training requirements shall complete an eight-hour
29 course. A certificate holder's training deadline shall not be extended if that individual retakes and passes
30 an examination for the current category and level of certification. A training deadline shall be extended
31 only after a certificate holder successfully completes an applicable training course.

32 (i) - (iii) (No change.)

33 (iv) DOT Cylinder Filler applicants shall complete the 2.1 course unless
34 the individual is issued a Dispenser Operations DOT cylinder filler certificate exemption.

1 (v) - (ix) (No change.)

2 (3) Individuals who pass an employee-level rules examination between March 1 and May
3 31 of any year shall have until May 31 of the next year to complete any required training. Individuals who
4 pass an employee-level rules examination at other times shall have until the next May 31 to complete any
5 required training. [~~Completion of AFT shall be in accordance with subsection (g) of this section.~~]

6 (4) (No change.)

7 (b) Continuing education. A certificate holder shall complete at least eight hours of continuing
8 education every four years as specified in this subsection. Continuing education courses are specified in
9 subsection (e) [~~(g)~~] of this section.

10 (1) - (6) (No change.)

11 (c) - (d) (No change.)

12 [~~(e) Course materials. Individuals who attend AFS taught training courses shall receive a copy of
13 the course materials at no charge. Additional copies may be purchased from AFS at the established price.~~]

14 [~~(f) Certificates of completion. The AFS training section shall issue a certificate of completion to
15 each individual who completes a management level course.~~]

16 [~~(g) Advanced field training (AFT). Some courses may include AFT in addition to the classroom
17 hours, during which course attendees shall perform LP-gas activities. AFT shall be properly completed
18 within 30 calendar days of attending the course. All qualification tasks included in the AFT shall be
19 completed. The AFT materials, including the qualification checklist and the certification page, shall be
20 readily available at the licensee's Texas business location for review by an authorized Commission
21 representative during normal business hours.~~]

22 [~~(1) The responsibility of certifying AFT activities shall not be delegated to an
23 unauthorized individual. AFT qualification tasks shall be witnessed by an authorized individual, verified
24 as being successfully completed, and the AFT form signed as follows:~~]

25 [(A) For licensees with only one company representative, that company
26 representative shall self-certify the AFT.]

27 [(B) For licensees with more than one company representative, one company
28 representative may certify the AFT of another company representative, but shall not self-certify.]

29 [(C) Company representatives shall certify operations supervisors' AFT.]

30 [(D) The company representative or an operations supervisor authorized by the
31 licensee and in current good standing with the Commission shall certify the employees' AFT.]

32 [(E) If authorized, a Commission approved outside instructor may certify any
33 AFT.]

34 [(2) Other AFT situations shall be handled as follows:]

1 ~~[(A) For a certified individual employed by a licensee, the licensee shall retain~~
2 ~~the most recently completed AFT material for each applicable category of the individual's certification in~~
3 ~~the individual's employment records.]~~

4 ~~[(B) For an individual who ceases employment with a licensee, the licensee shall~~
5 ~~retain the latest required AFT material for at least two years from the date the individual is no longer~~
6 ~~employed by the licensee. The two-year period shall be based on the renewal period for the examination~~
7 ~~renewal fee penalty. The licensee shall provide a copy of the AFT material to the individual.]~~

8 ~~[(C) For an individual who begins employment with a different licensee, the new~~
9 ~~licensee shall obtain a copy of the individual's AFT material from the individual and shall place the copy~~
10 ~~in the individual's employment records.]~~

11 ~~[(D) An individual who is never employed by a licensee shall retain the most~~
12 ~~recently completed AFT material for each applicable category of the individual's certification in a safe~~
13 ~~location for at least two years from the date the course that required the AFT was attended.]~~

14 ~~[(E) For an individual who is employed by a licensee when a course requiring~~
15 ~~AFT is attended, but who prior to the AFT's being certified becomes employed by a new licensee, the~~
16 ~~new licensee shall certify the individual's AFT.]~~

17 ~~[(F) For an individual who is employed by a licensee when a class requiring AFT~~
18 ~~is attended, but who prior to the AFT's being certified ceases employment with the licensee and wishes to~~
19 ~~continue performing LP-gas activities, the individual shall contact a company representative or operations~~
20 ~~supervisor of another applicable licensee or an Commission-approved outside instructor to complete the~~
21 ~~AFT and maintain the LP-gas certification.]~~

22 ~~[(3) Individuals who attend the 80-hour Category E management level course or the 16-~~
23 ~~hour Category F, G, I, and J management level course shall perform any required AFT activities during~~
24 ~~the course.]~~

25 ~~[(4) If AFT is required for a course, the AFT checklist outlining the specific activities to~~
26 ~~be performed shall be included in the course materials.]~~

27 ~~[(5) A certified individual is exempt from the AFT requirement of a continuing education~~
28 ~~course if the individual has previously completed that same course, including the AFT.]~~

29 ~~(e) [(h)] Certificate holders may complete their continuing education requirement by attending a~~
30 ~~continuing education course for their specific certificate as listed in this subsection or by attending a~~
31 ~~CETP course listed in subsection (g) of this section. [Available training and continuing education courses~~
32 ~~are shown in Tables 1 through 4 of this subsection. Items on the tables marked with an "x" indicate~~
33 ~~courses that meet training or continuing education requirements for management-level or employee-level~~
34 ~~certificate holders in that category.]~~

1 ~~[Figure: 16 TAC §9.52(h)]~~

2 (1) the 4.1 Employee-Level Dispenser Operations Continuing Education course;

3 (2) the 4.2 Employee-Level Service and Installation Continuing Education course;

4 (3) the 4.3 Employee-Level Bobtail Driver Continuing Education course;

5 (4) the 4.4 Employee-Level Recreational Vehicle Technician Continuing Education
6 course; and

7 (5) the 6.1 Regulatory Compliance for Managers course.

8 (f) Continuing education credit for certificate holders.

9 (1) Individuals holding the following certificates or exemption may receive continuing
10 education credit for the 4.1 Employee-Level Dispenser Operations Continuing Education course:

11 (A) a DOT Cylinder Filler certificate;

12 (B) a Motor/Mobile Fuel Filler certificate; and/or

13 (C) a **Dispenser Operations** ~~DOT cylinder filler~~ certificate exemption.

14 (2) Individuals holding the following certificates may receive continuing education credit
15 for the 4.2 Employee-Level Service and Installation Continuing Education course:

16 (A) a Service and Installation Technician certificate; and/or

17 (B) an Appliance Service and Installation Technician certificate.

18 (3) Individuals holding a Recreational Vehicle Technician certificate may receive
19 continuing education credit for the 4.4 Employee-Level Recreational Vehicle Technician Continuing
20 Education course.

21 (4) Individuals holding a Bobtail Driver certificate may receive continuing education
22 credit for the 4.3 Employee-Level Bobtail Driver Continuing Education course.

23 (5) To meet continuing education requirements, all management-level certificate holders
24 shall complete one of the following courses:

25 (A) the 6.1 Regulatory Compliance for Managers course; or

26 (B) a course listed in paragraphs (1) - (4) of this subsection.

27 (6) Any employee-level or management-level certificate holder may also receive
28 continuing education credit by completing any training course listed in subsection (a)(1) of this section
29 for the certificate held by the individual.

30 (g) [(+)] Credit for CETP courses. An employee-level [A] certificate holder who has successfully
31 completed a CETP course, including any applicable knowledge and skills assessments, may receive credit
32 toward the continuing education requirements specified in this section as follows:

33 (1) Items on the table marked with an "x" indicate CETP courses that meet continuing
34 education requirements for employee-level certificate holders in that category. ~~[The CETP course shall be~~

1 approved for the category of certificate held as indicated on Tables 3 and 4 in subsection (h) of this
2 section.]

3 Figure: 16 TAC §9.52(g)(1)

4 [~~Figure: 16 TAC §9.52(g)(1)~~]

5 (2) The successful completion of a CETP course is determined by a CETP course
6 certificate, which is issued only after an individual has completed the prescribed course of study,
7 including any related knowledge and skills assessments, for the applicable CETP job classification.

8 (3) To receive credit toward the Commission's continuing education requirements, the
9 certificate holder shall submit the following information, clearly readable, to AFS:

10 (A) the individual's full name, address, and telephone number;

11 (B) a copy of the certificate holder's certificate; and

12 (C) a legible copy of the official CETP course certificate.

13 (4) AFS shall review the submitted material within 30 business days of receipt and shall
14 notify the certificate holder in writing that the request is approved, denied, or incomplete.

15 (A) If the request is approved, the certificate holder will receive continuing
16 education credit. AFS will send a new certificate if the request is submitted as part of the renewal process
17 in §9.9 of this title (relating to Requirements for Certificate Holder Renewal).

18 (B) If the request is denied, the certificate holder may submit additional
19 information for review.

20 (C) [(A)] If the material is incomplete, AFS shall identify the necessary
21 additional information required.

22 (D) [(B)] If the request is denied or incomplete, the [The] certificate holder shall
23 file any [the] additional information within 30 calendar days of the date of the [a] notice [of deficiency] in
24 order to receive credit for the CETP course attendance.

25 (E) [(C)] Certificate holders requesting credit for CETP course attendance shall
26 submit such requests to allow processing time so that a request is finally approved by May 31 in order for
27 the certificate holder to receive credit toward that deadline.

28 (h) Credit for PERC-Based Outside Instructor Course Attendance. Individuals shall receive credit
29 for attending a PERC-based course outside instructor course per §9.20(2) of this title (relating to
30 Dispenser Operations DOT Cylinder Filler Certificate Exemption).

31

32 §9.54. Commission-Approved Outside Instructors.

33 (a) (No change.)

34 (b) Application process. Outside instructor applicants shall submit the following to AFS:

1 (1) - (2) (No change.)

2 (3) for each course the outside instructor applicant intends to teach:

3 (A) the curriculum for and a description of the course; and

4 (B) the course materials and related supporting information or a statement that
5 the instructor will use the AFS course materials;

6 ~~[(C) a statement specifying whether the outside instructor seeks approval to
7 certify any AFT described in §9.52 of this title (relating to training and continuing education)];~~

8 (4) proof that the outside instructor applicant has experience, during at least three of the
9 four years prior to the date of filing the application, in both:

10 (A) conducting LP-gas training or continuing education courses; and

11 (B) performing or supervising LP-gas activities; and

12 (5) any other information required by this section.

13 (c) - (l) (No change.)

14
15 §9.55. PERC-~~Based~~ ~~Outside Instructor~~ Training.

16 (a) General. AFS may award training and certification or continuing education credit to DOT
17 cylinder filling or motor/mobile fuel filler employee-level applicants and certificate holders for PERC-
18 based courses administered by an approved company PERC-provided the company PERC complies with
19 the requirements of this section.

20 (1) The PERC-based course outside instructors may only offer training shall be consistent
21 with the guidelines established by the PERC Dispensing Propane Safely - Small Cylinder course.

22 (2) The PERC-based materials may consist of outside instructor may train individuals
23 using recorded video materials approved under this section but shall proctor the course examination. The
24 PERC outside instructor may proctor an exam in person or using live video.

25 (3) PERC outside instructors shall be employed by a company licensed to perform DOT
26 cylinder filling activities.

27 (3) An LP-gas licensee may offer courses to its own employees provided that the PERC-
28 based course outside instructor complies with the requirements of this section.

29 (4) All PERC-based course outside instructor curriculum and course materials shall:

30 (A) meet the requirements of subsection (c) of this section;

31 (B) be submitted to AFS for review; and

32 (C) be organized and easily readable.

33 (b) Application process. Companies seeking to administer a PERC-based course PERC outside
34 instructor applicants shall submit to AFS:

1 (1) the PERC-Based Training Application form prescribed by AFS for the PERC outside
2 instructor application;

3 (2) a non-refundable \$300 registration fee;

4 (3) the following for the PERC-based course to be administered taught:

5 (A) a description of the course;

6 (B) the course curriculum, consistent with the requirements of subsection (c) of
7 this section;

8 (C) course examination materials; and

9 (D) links to or digital copies of any videos included in the course curriculum or
10 examination materials; and

11 (4) proof that the PERC outside instructor applicant has experience, during at least three
12 of the four years prior to the date of filing the application, in performing or supervising LP gas activities;
13 and

14 (4) any other information required by this section.

15 (c) Curriculum standards. The course curriculum must be consistent with the guidelines
16 established by the PERC Dispensing Propane Safely—Small Cylinder course and shall also include
17 training on the requirements listed in §9.20(4) of this title (relating to Dispenser Operations DOT
18 Cylinder Filler Certificate Exemption).

19 (d) AFS review. AFS shall review the application for PERC-based training approval as a PERC
20 outside instructor and, within 14 business days of the date AFS receives the application, shall notify the
21 applicant in writing that the application is approved, denied, or incomplete.

22 (1) Approved applications

23 (A) Additional requirements for approval. PERC outside instructor applicants
24 whose applications are approved in writing by AFS shall attend AFS' Train the Trainer Course, the fee
25 for which is included in the \$300 registration fee.

26 (i) The initial Train the Trainer Course shall include the classroom
27 instruction and examination for the DOT cylinder filler certification.

28 (ii) The PERC outside instructor applicant shall pass the DOT cylinder
29 filler examination referenced in §9.10(d)(1)(F) of this title (relating to Rules Examination) with a score of
30 at least 85 percent.

31 (B) Notification of approval. Within 10 business days of the PERC outside
32 instructor applicant's completion of the requirements of this section, AFS shall notify the applicant in
33 writing if that the application applicant is approved as a PERC outside instructor and the applicant the
34 PERC outside instructor may then begin offering courses.

1 ~~(C) Term of approval. AFS approval of a PERC outside instructor remains valid~~
2 ~~for three years unless the Commission revokes the approval pursuant to subsection (f) of this section.~~

3 (2) Denied applications. If an application is denied, AFS' notice of denial shall identify
4 the reason the **application applicant** does not meet the requirements of subsections (a) - (c) of this section.

5 (3) Incomplete applications.

6 (A) If an application is incomplete, AFS' notice of deficiency shall identify the
7 necessary additional information, including any deficiencies in course curriculum or materials.

8 (B) The applicant shall file the necessary additional information within 30
9 calendar days of the date of AFS' notice of deficiency.

10 (C) The applicant's failure to file the necessary additional information within the
11 prescribed time period may result in the dismissal of the application and the necessity of the applicant
12 again paying the non-refundable \$300 registration fee for each subsequent filing of an application.

13 (e) Revision of course materials. PERC **-based courses** ~~outside instructors~~ must **be administered**
14 **using** ~~use~~ the materials submitted to and approved by AFS. **Revisions to** ~~A PERC outside instructor who~~
15 ~~revises~~ any course materials previously approved by AFS shall **be submitted** ~~the revisions~~ in writing,
16 **along with a nonrefundable \$100 review fee to AFS.**

17 (1) The nonrefundable \$100 review fee shall be waived if the course materials are revised
18 as a result of changes made by PERC to its Dispensing Propane Safely—~~Small Cylinder~~ course or
19 examination materials **or changes adopted to the rules in this chapter.**

20 (2) **Revised PERC-based course materials** ~~A PERC outside instructor~~ shall not **be used**
21 ~~use materials~~ in a course until the materials ~~outside instructor~~ has received written AFS approval.

22 (3) AFS shall review the revised course materials and, within 14 business days, shall
23 notify the **company** ~~PERC outside instructor~~ in writing that the revised course materials are approved or
24 not approved.

25 (4) If the revised course materials are not approved:

26 (A) AFS' notice shall identify the portion or portions that are not approved and/or
27 shall describe any deficiencies in the revised course materials.

28 (B) **The approved company** ~~PERC outside instructor~~ shall file any necessary
29 additional information within 30 calendar days of the date of AFS' notice.

30 (C) The **company's** ~~PERC outside instructor's~~ failure to file the necessary
31 additional information within the prescribed time period may result in the dismissal of the request for
32 approval of revised course materials and the necessity of again paying the \$100 review fee for each
33 subsequent filing of revised course materials.

1 (5) Once approved, the revised course materials may be used in the PERC-based course
2 ~~outside instructor's course.~~

3 ~~(f) Continuing requirements. Approved PERC outside instructors shall:~~

4 ~~—— (1) maintain their certificates in continuous good standing. Any interruption of the~~
5 ~~required certificates may result in the Commission revoking or suspending the PERC outside instructor's~~
6 ~~approval;~~

7 ~~—— (2) renew their AFS PERC outside instructor approval every three years by paying a~~
8 ~~nonrefundable \$150 renewal fee to AFS;~~

9 ~~—— (3) attend a Train the Trainer refresher course prior to the PERC outside instructor's next~~
10 ~~renewal deadline. The Train the Trainer course shall not count as credit towards any training or~~
11 ~~continuing education requirements; and~~

12 ~~—— (4) adhere to professional standards of conduct in course administration.~~

13 (f) PERC-based training outside instructor additional responsibilities.

14 (1) Those administering PERC-based courses outside instructors are responsible for every
15 aspect of the courses they administer, including the location, schedule, date, time, duration, content,
16 material, demeanor and conduct of an in-person the PERC outside instructor, if applicable, and reporting
17 of attendance information.

18 (2) AFS may monitor or supervise any PERC-based course or exam administered by
19 PERC outside instructors.

20 (g) Complaints. Complaints regarding PERC-based courses outside instructors shall be made to
21 AFS in accordance with the process specified in §9.54(l) of this title (relating to Commission-Approved
22 Outside Instructors) writing by e-mail, fax, or U. S. Postal Service and shall:

23 ~~—— (1) include the complainant's printed name, address, and telephone number;~~

24 ~~—— (2) be signed by the complainant if filed by fax or U.S. Postal Service;~~

25 ~~—— (3) state the PERC outside instructor's name and the course date, location, and title; and~~

26 ~~—— (4) describe the facts that show the PERC outside instructor:~~

27 ~~—— (A) failed to meet or maintain AFS requirements for PERC outside instructor~~
28 ~~approval;~~

29 ~~—— (B) failed to deliver a course as approved, including failure to follow the~~
30 ~~approved curriculum, to use the approved course materials, or to deliver the requisite numbers of hours of~~
31 ~~instruction; or~~

32 ~~—— (C) engaged in other conduct, including the use of language, that created an~~
33 ~~atmosphere not conducive to learning. Such conduct includes but is not limited to demeaning, derogating,~~

~~or stereotyping women or men, disabled persons, members of any political, religious, racial, or ethnic group, or a particular individual, organization, or product.~~

~~(i) Analysis:~~

~~_____ (1) As a result of AFS monitoring or supervising a course pursuant to subsection (g)(2) of this section or upon receipt of a complaint pursuant to subsection (h) of this section and at its discretion, AFS may gather any additional information necessary or appropriate to making a full and complete analysis:~~

~~_____ (A) AFS shall send a written analysis and any findings to the PERC outside instructor who conducted the course monitored or supervised by AFS or that is the subject of the complaint.~~

~~_____ (B) The PERC outside instructor may file a written response within 20 calendar days from the date of AFS' findings:~~

~~_____ (2) If AFS determines that a PERC outside instructor has engaged in conduct prohibited by this section, AFS may prepare a report that states the facts on which the determination is based and the recommended action AFS intends to take:~~

~~_____ (A) AFS may:~~

~~_____ (i) issue a written warning to the PERC outside instructor;~~

~~_____ (ii) decline to approve or renew the PERC outside instructor's approval;~~

~~or~~

~~_____ (iii) revoke the PERC outside instructor's approval.~~

~~_____ (B) AFS shall:~~

~~_____ (i) send a written copy of the report and recommendation to the PERC outside instructor; and~~

~~_____ (ii) include a statement that the PERC outside instructor has a right to a hearing on the determination contained in the report.~~

~~_____ (C) Within 20 calendar days after the date the notice is postmarked, the PERC outside instructor shall file a written response either accepting the determination and recommended action or requesting a hearing on the determination.~~

~~_____ (i) If a PERC outside instructor requests a hearing, the AFS director shall refer the matter to the Hearings Division.~~

~~_____ (ii) Following the hearing, the Commission may enter an order finding that the PERC outside instructor has violated Commission rules or that no violation has occurred; and may make any other finding based on the evidence in the record.~~

1 ~~_____ (iii) If the PERC outside instructor does not comply with the order of the~~
2 ~~Commission, and if the enforcement of the Commission's order is not stayed, then the Office of General~~
3 ~~Counsel may refer the matter to the attorney general for enforcement of the Commission's order.~~

4 ~~_____ (D) If the PERC outside instructor accepts the determination, the PERC outside~~
5 ~~instructor shall notify AFS in writing of the acceptance, and AFS shall take the action indicated in the~~
6 ~~report. If the PERC outside instructor does not respond to the report timely, AFS shall take the action~~
7 ~~indicated in the report.~~

8 (h) Completed courses.

9 (1) Within ten business days of the conclusion of a course, **the approved company** PERC
10 ~~outside instructors~~ **administering the course** shall report to AFS the following information:

11 ~~[(A) the PERC outside instructor's name and last four digits of the instructor's~~
12 ~~social security number or RRC identification number];~~

13 (A) ~~employing~~ **the company's** licensee's name and license number, **if applicable;**

14 ~~(B) date of the course;~~

15 ~~(B) list of the persons completing the course, including the following information~~
16 ~~for each individual listed:~~

17 (i) ~~full name,~~

18 (ii) ~~last four digits of the person's social security number or RRC~~
19 ~~identification number;~~

20 **(iii)** ~~the date the course was completed;~~

21 **(iv)** ~~personal mailing address;~~

22 **(v)** ~~the individual's employer; and~~

23 **(vi)** ~~the individual's employer's license number if the course was~~
24 ~~administered by an approved company that is not the individual's employer.~~

25 (2) The report shall be made electronically.

26 (3) The **company** ~~PERC outside instructor~~ shall ensure that AFS receives the report by
27 ~~securing written acknowledgment of its receipt by AFS.~~

28 (4) A \$40 registration fee shall be submitted for each individual listed in paragraph (1)(D)
29 ~~of this subsection.~~

30
31
32 **SUBCHAPTER B. LP-GAS INSTALLATIONS, CONTAINERS, APPURTENANCES, AND**
33 **EQUIPMENT REQUIREMENTS**

34 §9.126. Appurtenances and Equipment.

1 (a) - (c) (No change.)

2 (d) ASME containers with an individual water capacity over 4,000 gallons shall comply with
3 paragraph (1) or (2) of this subsection:

4 (1) For container openings 1 1/4-inch or greater in size:

5 (A) the container shall be equipped with:

6 (i) a ~~pneumatically-actuated or~~ **electrically-actuated** ~~[pneumatically~~
7 ~~operated]~~ internal valve equipped for remote closure and automatic shutoff using thermal (fire) actuation
8 where the thermal element is located within five feet (1.5 meters) of the internal valve;

9 (ii) - (iii) (No change.)

10 (B) - (D) (No change.)

11 (2) For container openings less than 1 1/4-inch in size, the container shall be equipped
12 with:

13 (A) (No change.)

14 (B) a ~~pneumatically-actuated or~~ **electrically-actuated** ~~[pneumatically operated]~~
15 internal valve with an integral excess-flow valve or excess-flow protection; or

16 (C) (No change.)

17

18 §9.130. Commission Identification Nameplates.

19 (a) Prior to an original ASME nameplate or any manufacturer-issued nameplate becoming
20 unreadable or detached from a stationary container with a water capacity of 4,001 gallons or more, the
21 owner or operator of the container may request an identification nameplate from AFS. Commission
22 identification nameplates shall be issued only for containers which can be documented as being in
23 continuous LP-gas service in Texas from a date prior to September 1, 1984. The container's serial number
24 and manufacturer on the original or manufacturer-issued nameplate shall be clearly readable at the time
25 the Commission identification nameplate is attached.

26 (1) (No change.)

27 (2) AFS shall review LPG Form 502 and the supporting documentation. AFS shall have
28 the manufacturer's data report on file for the container or the licensee shall provide a copy to AFS ~~[LP-~~
29 ~~Gas Operations]~~. The Commission identification nameplate shall not be issued unless the manufacturer's
30 data report is reviewed. Upon review of submitted documents and confirmation of the manufacturer's data
31 report, AFS ~~[LP-Gas Operations]~~ shall send ~~[mail]~~ a letter to the owner or operator of the container
32 stating the estimated costs, which will be based on the following:

33 (A) - (B) (No change.)

34 (3) - (6) (No change.)

1 (b) - (f) (No change.)

2
3 §9.134. Connecting Container to Piping

4 (a) LP-gas piping shall be installed only by a licensee authorized to perform such installation, a
5 registrant authorized by §9.13 of this title (relating to General Installers and Repairman Exemption), or an
6 individual exempted from licensing as authorized by Texas Natural Resources Code, §113.081.

7 (b) A licensee shall not connect an LP-gas container or cylinder to a piping installation made by a
8 person who is not licensed to make such installation, except that connection may be made to piping
9 installed by an individual on that individual's single family residential home.

10 (c) A licensee may connect to piping installed by an unlicensed person provided the licensee has
11 verified that the piping is free of leaks and has been installed according to the rules in this chapter, and
12 filed with AFS a completed LPG Form 22, identifying the unlicensed person who installed the LP-gas
13 piping.

14 (d) A licensee is not required to submit LPG Form 22 pursuant to subsection (c) of this section
15 only if the piping system is currently in service and no new piping is installed, the system is in good
16 working order, and the installer cannot be determined.

17
18 §9.140. System Protection Requirements.

19 (a) - (b) (No change.)

20 (c) In addition to NFPA 58, §§6.21.4.2, 6.22.3.2(3), 6.27.3.7, 8.2.1.1, and 6.5.4.5, fencing at LP-
21 gas installations shall comply with the following:

22 (1) Uprights, braces, and cornerposts of the fence shall be composed of noncombustible
23 material and shall be anchored in concrete a minimum of 12 inches below the ground.

24 (2) (No change.)

25 (3) ASME containers or manual dispensers originally manufactured to or modified to be
26 considered by AFS as self-contained units are exempt from the fencing requirements. Self-contained units
27 shall be protected as specified in subsection (d) of this section;

28 (4) (No change.)

29 (d) In addition to NFPA 58, §§6.8.1.2, 6.8.6.1(A)-(E), 6.8.6.2(F), 6.27.3.13 and 6.27.3.14,
30 vehicular barrier protection at LP-gas installations, except as noted in this section, shall comply with the
31 following:

32 (1) - (2) (No change.)

1 (3) Locations which have a perimeter fence prohibiting public traffic to the container or
2 cylinder storage area shall not be required to have guardrailing if the vertical supports are located no more
3 than three feet apart.

4 (4) [(3)] Openings in horizontal guardrailing, except the opening that is permitted directly
5 in front of a bulkhead, shall not exceed three feet. Only one opening is allowed on each side of the
6 guardrailing. A means of temporarily removing the horizontal guardrailing and vertical supports to
7 facilitate the handling of heavy equipment may be incorporated into the horizontal guardrailing and
8 vertical supports. In no case shall the protection provided by the horizontal guardrailing and vertical
9 supports be decreased. Transfer hoses from the bulkhead shall be routed only through the 45-degree
10 opening in front of the bulkhead or over the horizontal guardrailing.

11 (5) [(4)] Clearance of at least three feet shall be maintained between the vehicular barrier
12 protection and any part of an LP-gas transfer system or container or clearance of two feet for retail service
13 station installations. The two vertical supports at the ends of any vehicular barrier protection which
14 protects a bulkhead shall be located a minimum of 24 and a maximum of 36 inches at 45-degree angles to
15 the nearest corner of the bulkhead.

16 (6) [(5)] Vehicular barrier protection shall extend at least three feet beyond any part of
17 the LP-gas transfer system or container which is exposed to collision damage or vehicular traffic.

18 (7) [(6)] Installations which have highway barriers located between vehicular traffic and
19 the container and material handling equipment shall not be required to have vehicular barrier protection
20 installed.

21 (e) (No change.)

22 (f) In addition to NFPA 58 §5.2.8.1, LP-gas installations shall comply with the sign and lettering
23 requirements specified in Table 1 of this section. An asterisk indicates that the requirement applies to the
24 equipment or location listed in that column.

25 Figure: 16 TAC §9.140(f) (No change.)

26 (1) - (2) (No change.)

27 (3) Items 1, 2, and 3 in the column entitled "Licensee or Non-Licensee ASME 4001+
28 Gal. A.W.C." in Table 1 apply to installations with 4,001 gallons or more aggregate water capacity
29 protected only by vehicular barrier protection [guardrailing] as required in subsection (d) of this section,
30 and bulkheads as required by §9.143 of this title (relating to Bulkhead, Internal Valve, API 607 Ball
31 Valve, and ESV Protection for Stationary LP-Gas Installations with Individual or Aggregate Water
32 Capacities of 4,001 Gallons or More) for commercial, bulk storage, cylinder filling, or forklift
33 installations.

1 (4) Item 7 in the column entitled "Storage Racks for DOT Portable or Forklift
2 Containers" in Table 1 may be met with lettering only one rack when multiple racks are installed.

3 (5) [(4)] Item 11 in the column entitled "Requirements" in Table 1 applies to facilities
4 which have two or more containers.

5 (6) [(5)] Item 13 in the column entitled "Requirements" in Table 1 applies to outlets
6 where an LP-gas certified employee is responsible for the LP-gas activities at that outlet, when a
7 licensee's employee is the operations supervisor at more than one outlet as required by §9.17(a) of this
8 title (relating to Designation and Responsibilities of Company Representative and Operations
9 Supervisor).

10 (7) [(6)] Any information in Table 1 of this subsection required for an underground
11 container shall be mounted on a sign posted within 15 feet horizontally of the manway or the container
12 shroud.

13 (8) [(7)] Licensees and non-licensees shall comply with operational and/or procedural
14 actions specified by the signage requirements of this section.

15 (9) [(8)] Any 24-hour emergency telephone numbers shall be:

16 (A) monitored at all times; and

17 (B) be answered by a person who is knowledgeable of the hazards of LP-gas and
18 who has comprehensive LP-gas emergency response and incident information, or has immediate access to
19 a person who possesses such knowledge and information. A telephone number that requires a call back
20 (such as an answering service, answering machine, or beeper device) does not meet the requirements of
21 this section.

22 (g) In addition to NFPA 58, §8.4.2.2, storage racks used to store DOT cylinders in the horizontal
23 position located in areas frequented by the public [nominal 20-pound DOT portable or any size forklift
24 containers] shall be protected against vehicular damage by:

25 (1) the use of concrete curbs and/or wheel stops provided:

26 (A) the cylinder storage rack is located a minimum of 48 inches behind a curb or
27 wheel stop that is a minimum of five inches in height above the grade of the driveway or parking area;

28 (B) if the requirements of subparagraph (A) cannot be met, the cylinder storage
29 rack must be installed a minimum of 48 inches behind a curb or wheel stop that is a minimum of four
30 inches in height above the grade of the driveway or parking area, and a wheel stop at least four inches in
31 height must be installed at least 12 inches from the curb or first wheel stop; and

32 (C) if wheel stops are used, all wheel stops must be secured against displacement;

33 or

34 [(1) meeting the guardrail requirements of subsection (d) of this section; or]

1 (2) if curbs and/or wheel stops are not installed, guard posts or vehicular barrier
2 protection shall be ~~installing guard posts, provided the guard posts are~~ installed a minimum of 18 inches
3 from each storage rack, and:

4 (A) consist of at least three-inch schedule 40 steel pipe, capped on top or
5 otherwise protected to prevent the entrance of water or debris into the guard post, no more than four feet
6 apart, and anchored in concrete at least 12 ~~30~~ inches below ground and rising at least 30 inches above
7 the ground; ~~or~~

8 (B) ~~are~~ constructed of at least four-inch schedule 40 steel pipe capped on top or
9 otherwise protected to prevent the entrance of water or debris into the guard post, and attached by welding
10 to a minimum 8-inch by 8-inch steel plate at least 1/2 inch thick. The installed height of the post must be
11 a minimum of 30 inches above the ground. The guard posts and ~~8~~ steel plate shall be permanently
12 installed and securely anchored to a concrete driveway or concrete parking area; or ~~or~~

13 (C) meet the requirements of subsection (d) of this section.

14 ~~[(3) Guardrail or guard posts are not required to be installed if:]~~

15 ~~[(A) the cylinder storage rack is located a minimum of 48 inches behind a~~
16 ~~concrete curb or concrete wheel stop that is a minimum of five inches in height above the grade of the~~
17 ~~driveway or parking area; or]~~

18 ~~[(B) if the requirements of subparagraph (A) cannot be met, the cylinder storage~~
19 ~~rack must be installed a minimum of 48 inches behind a concrete curb or concrete wheel stop that is a~~
20 ~~minimum of four inches in height above the grade of the driveway or parking area, and a concrete wheel~~
21 ~~stop at least four inches in height must be installed at least 12 inches from the curb or first wheel stop;]~~

22 ~~[(4) All parking wheel stops and cylinder storage racks in paragraph (3) of this subsection must be~~
23 ~~secured against displacement.]~~

24 (h) Fencing, guardrails, and valve locks shall be maintained in good condition at all times in
25 accordance with this chapter.

26 (i) [(h)] Self-service dispensers shall be protected against vehicular damage by:

27 (1) vehicular barrier protection that complies with subsection (d) of this section; or

28 (2) vertical supports that comply with subsection (d) of this section; or

29 (3) where routine traffic patterns expose only the approach end of the dispenser to
30 vehicular damage, support columns, concrete barriers, bollards, inverted U-shaped guard posts anchored
31 in concrete, or other protection acceptable to AFS, provided:

32 (A) the cylinder storage rack is located a minimum of 48 inches behind a
33 concrete curb or concrete wheel stop that isa minimum of five inches in height above the grade of the
34 driveway or parking area;

1 (B) if the requirements of subparagraph (A) cannot be met, the cylinder storage
2 rack must be installed a minimum of 48 inches behind a concrete curb or concrete wheel stop that is a
3 minimum of four inches in height above the grade of the driveway or parking area, and a concrete wheel
4 stop at least four inches in height must be installed at least 12 inches from the curb or first wheel stop. [7]

5 (j) [(+) Self-service dispensers utilizing protection specified in paragraphs (2) -(3) of subsection
6 (h) of this section shall be connected to supply piping by a device designed to prevent the loss of LP-gas
7 in the event the dispenser is displaced. The device must retain liquid on both sides of the breakaway point
8 and be installed in a manner to protect the supply piping against damage.

9
10 §9.141. Uniform Safety Requirements.

11 (a) (No change.)

12 (b) In addition to NFPA 58, §6.27.4.2, each LP-gas private or public motor/mobile or forklift
13 refueling installation which includes a liquid dispensing system shall incorporate into that dispensing
14 system a breakaway device.

15 (1) - (2) (No change.)

16 (3) In addition to NFPA 58, §6.27.4.1, the overall length of hose on vehicle fuel
17 dispensers used to transfer LP-gas into engine fuel and mobile containers on vehicles shall not exceed 18
18 feet measured from the point where the hose attaches to rigid piping downstream of the pump to the end
19 of the dispensing hose. If a section of hose not exceeding 36 inches in length is installed for flexibility
20 between the listed emergency breakaway device and the rigid piping downstream of the pump, then the
21 18 feet of dispensing hose will be measured from the outlet of the emergency breakaway device.

22 (c) - (h) (No change.)

23 (i) Racks used to store cylinders awaiting use or resale shall be installed on firm, level ground. In
24 addition to NFPA 58 §8.4.1.1, a distance of five feet shall be maintained between the rack and any
25 sources of ignition and combustible materials.

26
27 §9.142. LP-Gas Container Storage and Installation Requirements.

28 (a) Except as noted in this section and in addition to NFPA 58 §6.4.1.1, LP-gas containers shall
29 be stored or installed in accordance with the distance requirements in NFPA 58, §§6.2.2, 6.4.4, and 8.4.1
30 and any other applicable requirements in NFPA 58 or the rules in this chapter.

31 (1) An LP-gas liquid dispensing installation other than a retail operated service station
32 installation is not required to have a pump, provided that the storage containers are located one and one
33 half times the required distances specified in NFPA 58, §6.4.1.1, or a minimum distance of 15 feet if the
34 storage container is less than 125 gallons water capacity.

1 (2) Any LP-gas container constructed prior to 1970 which has an odd-numbered water
2 gallon capacity (for example, 517 water gallons instead of 500 water gallons) that is not more than 5.0%
3 greater than the standard water gallon capacity may be installed utilizing the minimum distance
4 requirement based on the standard water gallon capacity.

5 (b) Each industrial plant, bulk plant, and distributing point with an aggregate water capacity of
6 4,000 gallons or less shall be provided with at least one portable fire extinguisher in accordance with
7 NFPA 58 §4.7 having a minimum capacity of 18 lb (8.2 kg) of dry chemical.

8
9 §9.143. Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate
10 Water Capacities of 4,001 Gallons or More.

11 (a) Instead of NFPA 58, §6.14, all new stationary LP-gas installations with individual or
12 aggregate water capacities of 4,001 gallons or more shall:

13 (1) (No change.)

14 (2) install one of the following in all container openings 1 1/4 inches or greater, as
15 required in this section and §9.126 of this title (relating to Appurtenances and Equipment):

16 (A) pneumatically-actuated or electrically-actuated [~~pneumatically-operated~~]
17 emergency shutoff valves (ESV);

18 (B) pneumatically-actuated or electrically-actuated [~~pneumatically-operated~~]
19 internal valves;

20 (C) pneumatically-actuated or electrically-actuated [~~pneumatically-operated~~]
21 API 607 ball valves; or

22 (D) (No change.)

23 (b) Valve protection requirements.

24 (1) - (2) (No change.)

25 (3) Pneumatically-actuated or electrically-actuated [~~Pneumatically-operated~~] ESV,
26 internal valves, and API 607 ball valves shall be equipped for automatic shutoff using thermal (fire)
27 actuation where the thermal element is located within five feet (1.5 meters) of the ESV, internal valves,
28 and/or API 607 ball valves. Temperature sensitive elements shall not be painted nor shall they have any
29 ornamental finishes applied after manufacture.

30 (4) (No change.)

31 (5) Pneumatically-actuated or electrically-actuated [~~Pneumatically-operated~~] internal
32 valves, ESV, and API 607 ball valves shall be interconnected and incorporated into at least one remote
33 operating system.

34 (c) (No change.)

1 (d) Existing installations which have horizontal bulkheads and cable-actuated ESV shall comply
2 with the following:

3 (1) (No change.)

4 (2) If a cable-actuated ESV requires replacement, it shall be replaced with
5 a pneumatically-actuated or electrically-actuated [~~pneumatically-operated~~] ESV;

6 (3) If the horizontal bulkhead or a backflow check valve or a cable-actuated ESV are
7 moved from their original location to another location, no matter what the distance from the original
8 location, then the installation shall comply with the requirements for a vertical bulkhead
9 and pneumatically-actuated or electrically-actuated [~~pneumatically-operated~~] ESV;

10 (4) All cable-actuated ESV shall be replaced with pneumatically-actuated or electrically-
11 actuated [~~pneumatically-operated~~] ESV by January 1, 2011.

12 (e) Bulkheads, whether horizontal or vertical, shall comply with the following requirements:

13 (1) Bulkheads shall be installed for both liquid and vapor return piping;

14 (2) No more than two transfer hoses shall be attached to a pipe riser. If two hoses are
15 simultaneously connected to one or two transports, the use of the two hoses shall not prevent the
16 activation of the ESV in the event of a pull away;

17 (3) Both liquid and vapor transfer hoses shall be plugged or capped when not in use;

18 (4) Bulkheads shall be located at least 10 feet from any aboveground container or
19 containers and a minimum of 10 feet horizontally from any portion of a container or valve exposed
20 aboveground on any underground or mounded container. If the 10-foot distance cannot be obtained, the
21 licensee or nonlicensee shall inform AFS in writing and include all necessary information. AFS may grant
22 administrative distance variances to a minimum distance of five feet. If the licensee or nonlicensee
23 requests that the bulkhead be closer than five feet to the container or containers, the licensee or
24 nonlicensee shall apply for an exception to a safety rule as specified in §9.27 of this title (relating to
25 Application for an Exception to a Safety Rule);

26 (5) Horizontal bulkheads shall not be converted to vertical bulkheads;

27 (6) Bulkheads shall be anchored in reinforced concrete to prevent displacement of the
28 bulkhead, piping, and fittings in the event of a pullaway;

29 (7) Bulkheads shall be constructed by welding using the following materials or materials
30 with equal or greater strength, as shown in the diagram.

31 Figure: 16 TAC §9.143(e)(7) (No change.)

32 (A) Six-inch steel channel iron shall be used;

33 (B) Legs shall be four-inch schedule 80 piping;

1 (C) The top crossmember of a vertical bulkhead shall be six-inch standard weight
2 steel channel iron. The channel iron shall be installed so the channel portion is pointing downward to
3 prevent accumulation of water or other debris. The height of the top crossmember above ground shall not
4 result in torsional stress on the vertical supports of the bulkhead in the event of a pullaway;

5 (D) The kick plate shall be at least 1/4 inch steel plate installed at least 10 inches
6 from the top of the bulkhead crossmember. A kick plate is not required if the crossmember is constructed
7 to prevent torsional stress from being placed on the piping to the pipe risers;

8 (E) Pipe sleeves or couplings shall comply with subparagraph (i) or (ii) of this
9 paragraph.

10 (i) Either a schedule 40 pipe sleeve or a 3,000-pound coupling shall be
11 welded between the top crossmember and the kick plate;

12 (I) ~~(i)~~ Pipe sleeves shall have a clearance of 1/4 inch or less for
13 the piping to the pipe riser, and the piping shall terminate through the bulkhead with a schedule 80 pipe
14 collar, a minimum 12-inch schedule 80 threaded (not welded) pipe riser (nipple), and an elbow or other
15 fitting between the bulkhead and hose coupling;

16 (II) ~~(ii)~~ If a 3,000-pound coupling is used, no collar is required;
17 however, the minimum 12-inch length of schedule 80 threaded pipe riser and an elbow or other fitting
18 between the bulkhead and hose coupling are required;

19 (III) ~~(iii)~~ Elbows or other fittings shall comply with NFPA 58,
20 §5.11.4 and shall direct the transfer hose from vertical to prevent binding or kinking of the hose; ~~or~~[-]

21 (ii) A pre-manufactured riser pipe break-away coupler shall be designed
22 with an engineered break point located between two swing check valves.

23 (I) The riser pipe break-away coupler shall be designed so that
24 the device used in the loading or unloading operations is able to stop the flow of product from both the
25 source and the receiving tank within 20 seconds without human intervention in the event of a pullaway;
26 and

27 (II) The riser pipe break-away shall be designed to direct the
28 transfer hose from vertical to prevent binding or kinking of the hose.

29 (8) In lieu of a minimum 12-inch nipple on a vertical bulkhead, swivel-type piping
30 (breakaway loading arm) may be installed. The swivel-type piping shall meet all applicable provisions of
31 the rules in this chapter. The swivel-type piping may also be used for loading, unloading, or product
32 transfer, but shall not be used in lieu of ESVs. The swivel-type piping shall be installed and maintained
33 according to the manufacturer's instructions.

1 (9) AFS may require additional bulkhead protection if the installation is subject to
2 exceptional circumstances or located in an unusual area where additional protection is necessary to
3 protect the health, safety, and welfare of the general public.

4 (f) - (g) (No change.)

5 (h) If necessary to increase LP-gas safety, AFS may require a pneumatically-actuated or
6 electrically-actuated [~~pneumatically-operated~~] internal valve equipped for remote closure and automatic
7 shutoff through thermal (fire) actuation to be installed for certain liquid and/or vapor connections with an
8 opening of 3/4 inch or one inch in size.

9 (i) (No change.)

10 11 **SUBCHAPTER C. VEHICLES**

12 §9.202. Registration and Transfer of LP-Gas Transports or Container Delivery Units.

13 (a) A person who operates a transport equipped with LP-gas cargo tanks or any container delivery
14 unit, regardless of who owns the transport or unit, shall register such transport or unit with AFS in the
15 name or names under which the operator conducts business in Texas prior to the unit being used in LP-
16 gas service.

17 (1) To register a cargo tank unit previously unregistered in Texas, the operator of the unit
18 shall:

19 (A) pay to AFS the \$270 registration fee for each bobtail truck, semitrailer,
20 [~~container delivery unit,~~] or other motor vehicle equipped with LP-gas cargo tanks;

21 (B) file a properly completed LPG Form 7;

22 (C) file a copy of the Manufacturer's Data Report;

23 (D) file a copy of the DOT Certificate of Compliance; and

24 (E) file a copy of the hydrostatic or pneumatic test required by §9.208 of this title
25 (relating to Testing Requirements), unless the unit was manufactured within the previous five years or 10
26 years for units which meet the exemption in 49 CFR 180.407(c).

27 (2) To register a container delivery unit previously unregistered in Texas, the operator of
28 the unit shall:

29 (A) pay to AFS the \$270 registration fee for each container delivery unit; and

30 (B) file a properly completed LPG Form 7A.

31 (3) [(2)] To register a bobtail truck, semitrailer, container delivery unit, or other motor
32 vehicle equipped with LP-gas cargo tanks [~~an MC 330/MC 331 specification unit~~] which was previously
33 registered in Texas but for which the registration has expired, the operator of the unit shall:

34 (A) pay to AFS the \$270 registration fee;

1 (B) file a properly completed LPG Form 7 for cargo tanks or LPG Form 7A for
2 container delivery units; and

3 (C) for cargo tanks, file a copy of the latest test results if an expired unit has not
4 been used in the transportation of LP-gas for over one year or if a current hydrostatic test has not been
5 filed with AFS.

6 (4) [~~3~~] To re-register a currently registered unit, the licensee operating the unit shall pay
7 a \$270 annual registration fee.

8 (5) [~~4~~] To transfer a currently registered unit, the new operator of the unit shall:

9 (A) pay the \$100 transfer fee for each unit; and

10 (B) file a properly completed LPG Form 7T [~~7~~].

11 (b) - (c) (No change.)

12
13 §9.211. Markings.

14 (a) In addition to NFPA 58 §9.4.6.2, each LP-gas transport and container delivery unit in LP-gas
15 service shall be marked on each side and the rear with the name of the licensee or the ultimate consumer
16 operating the unit. Such lettering shall be legible and at least two inches in height and in sharp color
17 contrast to the background. AFS shall determine whether the name marked on the unit is sufficient to
18 properly identify the licensee or ultimate consumer operating the unit.

19 (b) In addition to NFPA 58 §12.5.13(2), the location of the manual shutoff valve on each school
20 bus, special transit vehicle, mass transit vehicle, and public transportation unit shall be marked "Manual
21 Shutoff Valve." Decals or stencils are acceptable.

22
23
24 **SUBCHAPTER E. ADOPTION BY REFERENCE OF NFPA 58 (LP-GAS CODE)**

25 §9.403. Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or Additional
26 Requirements.

27 (a) Table 1 of this section lists certain NFPA 58 sections which the Commission does not adopt
28 because the Commission's corresponding rules are more pertinent to LP-gas activities in Texas, or which
29 the Commission adopts with changed language or additional requirements in order to address the
30 Commission's existing rules.

31 Figure: 16 TAC §9.403(a)

32 [~~Figure: 16 TAC §9.403(a)~~]

33 (b) (No change.)

34

Railroad Commission of Texas
16 TAC Chapter 9--LP-Gas Safety Rules

1 This agency hereby certifies that the rules as adopted have been reviewed by legal counsel and
2 found to be a valid exercise of the agency's legal authority.

3 Issued in Austin, Texas, on June 28th, 2022.

4 Filed with the Office of the Secretary of State on June 28th, 2022.

DocuSigned by:
Wayne Christian
C1C746B4E446422...
Wayne Christian, Chairman

DocuSigned by:
Christi Craddick
15494B7DF4CC424...
Christi Craddick, Commissioner

DocuSigned by:
Jim Wright
EAAE94782E9F4AE...
Jim Wright, Commissioner

ATTEST:
DocuSigned by:
Callie Farrar
3581C80DFDE0476...
Secretary of the Commission

DocuSigned by:
Haley Cochran
98D34EBEE36C479...
Haley Cochran
Rules Attorney
Office of General Counsel
Railroad Commission of Texas

Figure: 16 TAC §9.52(g)(1)

**COURSES WHICH COUNT TOWARDS CONTINUING EDUCATION CREDIT
FOR EMPLOYEE-LEVEL CERTIFICATE HOLDERS**

Course Number	Course Title	DOT Cylinder Filler	Motor/Mobile Fuel Filler	Bobtail Driver	Service & Installation Technician	Appliance Service & Installation Technician	Recreational Vehicle Technician	Dispenser Operations Certificate Exemption
CETP 1.0	Basic Principles and Practices of Propane Initial Course	x	x	x	x	x	x	x
CETP 2.2	Bobtail Delivery Operations Initial Course			x				
CETP 2.2/2.4	Operating a Bobtail or Cylinder Delivery Vehicle to Deliver Propane (Combined) Initial Course			x				
CETP 3.1/3.5	Basic Plant Operations Initial Course	x	x	x	x			x
CETP 4.1	Designing and Installing Exterior Vapor Distribution System Initial Course				x			
CETP 4.2	Placing Vapor Distribution Systems and Appliances into Operation Initial Course				x	x		

Figure: 16 TAC §9.403(a)

§9.403 Table--Sections in NFPA 58, 2017 Edition, Not Adopted by Reference, or Adopted With Changes, Additional Requirements, or Corrections (~~Effective September 1, 2020~~)

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
3.2.2	additional requirement	In addition to definition for "Authority Having Jurisdiction," see Commission rule §9.402(a), Clarification of Certain Terms Used in NFPA 58.
4.3.1	not adopted	See Commission rules §9.27, Application for an Exception to a Safety Rule, and §9.101, Filings Required for Stationary LP-Gas Installations.
4.3.3	additional requirement	See Commission rule §9.101(b), Filings Required for Stationary LP-Gas Installations.
4.4	additional requirement	See Commission rules §§9.8, Requirements and Application for a New Certificate and 9.51, General Requirements for Training and Continuing Education.
5.2.1.1	additional requirement	See Commission rules §9.135, Unsafe of Unapproved Containers, Cylinders, or Piping, and §9.137, Inspection of Containers at Each Filling.
5.2.1.11	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
5.2.2	additional requirement	See Commission rules §9.135, Unsafe of Unapproved Containers, Cylinders, or Piping, and §9.137, Inspection of Containers at Each Filling.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
5.2.4.2	additional requirement	See Commission rule §9.131, 200 PSIG Working Pressure Stationary Vessels.
5.2.8.1	additional requirement	See Commission rules §9.140(f), Table 1, System Protection Requirements, and §9.141(e), Uniform Safety Requirements.
5.2.8.3 (A) and (B)	not adopted	See Commission rule §9.129, Manufacturer's Nameplate and Markings on ASME Containers.
5.2.8.3(C)	additional requirement	See Commission rule §9.129, Manufacturer's Nameplate and Markings on ASME Containers.
5.2.8.5	with changes	All containers that contain unodorized LP-gas products shall be marked "NOT ODORIZED" or " <u>NON-ODORIZED</u> ".
5.9.2.5(A)	additional requirement	See Commission rule §9.131, 200 PSIG Working Pressure Stationary Vessels.
5.9.4.1	additional requirement	See Commission rule §9.143(c), Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
Table 5.9.4.1(B)	with changes	Heading: Container Connection and Appurtenance Requirements [for Containers Used in Other Than Bulk Plants and Industrial Plants]
5.9.4.2	not adopted	See Commission rule §9.126(d), Appurtenances and Equipment.
Table 5.9.4.2	not adopted	See Commission Rule §9.126(d), Appurtenances and Equipment.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
5.9.7.1	with changes	Other container openings shall be equipped with any of the following: (1) - (5) (No change) <u>(6) For reducing the size of a container opening, only one bushing with a minimum pressure rating in accordance with Table 5.11.4.1 shall be installed.</u>
5.11.5	additional requirement	See Commission rule §9.308(d), Installation of Piping.
5.11.6	additional requirement	See Commission rule §9.143(g), Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
5.11.6.5	additional requirement	See Commission rule §9.311, Special Exceptions for Agricultural and Industrial Structures Regarding Appliance Connectors and Piping Support.
5.23	additional requirement	See Commission rule §9.307, Identification of Converted Appliances.
6.2.2	with changes	LP-Gas containers shall be allowed in buildings only for the following applications: (1) - (7) (no change) [(8) Cylinders awaiting use, resale, or exchange when stored in accordance with Sections 8.2 and 8.3.]
6.4.1.1	additional requirement	See Commission rule §9.142, LP-Gas Container Storage and Installation Requirements.
6.4.1.2	not adopted	

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.5.1.1	with changes	Where [storage] containers [having an aggregate water capacity of more than 4000 gal (15.1 m³)] are located in heavily populated or congested areas, the siting provisions of 6.4.1.1 and Table 6.4.1.1 shall be permitted to be modified [as indicated] by the [fire safety analysis described in 6.29.3] <u>Commission</u> .
6.5.4.1	additional requirement	See Commission rule §9.141(f), Uniform Safety Requirements.
6.8.1.2	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.8.1.4	additional requirement	See Commission rule §9.141(a), Uniform Safety Requirements.
6.8.2.1	with changes	Cylinders shall be installed only aboveground and shall be set upon a firm foundation <u>of concrete, masonry, or metal</u> and [or otherwise] be firmly secured <u>against displacement</u> . (See 6.8.2.2)
6.8.3.1	with changes	Horizontal ASME containers designed for permanent installation in stationary aboveground service shall be placed on masonry or other noncombustible structural supports located on concrete or masonry foundations with the container supports. <u>Containers shall not be in contact with the soil.</u>
6.8.6.1(A) – (E)	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.8.6.1(I)	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
6.8.6.2(A)	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
6.8.6.2(F)	additional requirement	See Commission rule §9.140(d), System Protection Requirements.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.8.6.3(F)	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
6.10.2.3	with changes	Single-stage regulators shall not be installed in fixed piping systems <u>on or after February 1, 2001</u> [June 30, 1997], except for installations covered in 6.10.2.4.
6.11.3.10	with changes	Aboveground piping shall be supported and protected against physical damage <u>by vehicles</u> .
6.11.3.14	additional requirement	See Commission rule §9.116, Container Corrosion Protection System.
6.11.3.16	with changes	Underground metallic piping, tubing or both that convey LP-Gas from <u>an underground partially buried or mounded</u> [a] gas storage container shall be provided with dielectric fittings installed above ground and outdoors at the building to electrically isolate it from the aboveground portion of the fixed piping system that enters a building.
6.11.6.1	additional requirement	See Commission rule §9.143, Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
6.11.6.3	with changes	Flexible metallic connectors shall not exceed 5 ft (1.5m) in overall length when used with liquid or vapor piping on stationary containers [of 2000 gal (7.6 m³) water capacity or less].
6.13.1	with changes	The requirements of 6.13.2 through 6.13.5 shall be required for internal valves in liquid <u>and/or vapor</u> service installed in containers of over 4000-gal (15.2-m ³) water capacity by July 1, 2003.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.13.2	with changes	Internal valves shall be installed in accordance with <u>Commission rule §9.126(d)</u> [5.9.4.2 and Table 5.9.4.2] on containers over 4000 gal (15.2 m3) water capacity.
6.13.3.1	with changes	Automatic shutdown of internal valves in liquid <u>and/or vapor</u> service shall be provided using thermal (fire) actuation.
6.13.4.1	with changes	At least one remote shutdown station for internal valves in liquid <u>and/or vapor</u> service shall be installed in accordance with the following: (1)-(3) (No change.)
6.13.5	not adopted	See Commission rule §9.140(f), System Protection Requirements, Table 1.
6.14	not adopted	See Commission rule §9.143, Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
6.19.2	adopted with changes	6.19.2 Except for underground and mounded containers (see 6.8.6), all materials and equipment that are buried or mounded shall comply with one of the requirements in 6.19.2(A) through 6.19.2(C). (A) Materials and equipment shall be made of corrosion resistant material that are suitable for the environment in which they will be installed. (B) Materials and equipment shall be manufactured with a corrosion-resistant coating or have a coating applied prior to being placed into service. (C) See Commission rule §9.116, Container Corrosion Protection System [Materials and equipment shall have a cathodic protection system installed and maintained in accordance with 6.19.3].

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.19.4	not adopted	
6.21.1	additional requirement	See Commission rule §9.113, Installation and Maintenance.
6.21.4.2	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
6.22.3.2(3)	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
6.22.9.3	not adopted	See Commission rule §9.1(e), Application of Rules, Severability, and Retroactivity.
6.22.9.4	not adopted	See Commission rule §9.1(e), Application of Rules, Severability, and Retroactivity.
6.25.2.4	with changes	The provision of 6.25.2.2 shall not apply to fixed electrical equipment at residential [or commercial] installations of LP-Gas systems or to systems covered by Section 6.26.
6.27.3.7	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
6.27.3.8	with changes	The container liquid withdrawal opening used with <u>retail operated</u> vehicle fuel dispensers and <u>retail operated</u> dispensing stations shall be equipped with one of the following: (1) – (2) (No change)
6.27.3.13	with changes	Vehicular barrier protection (VBP) shall be provided for containers serving dispensers where those containers are located within 10 ft (3 m) of a vehicle thoroughfare or parking location in accordance with <u>§9.140(d), System Protection Requirements</u> [6.27.3.13(A) or 6.27.3.13(B)]. (A)-(B) not adopted

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.27.3.14	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.27.3.15	additional requirement	See Commission rule §9.140(d), System Protection Requirements.
6.27.3.16	with changes	A listed quick-acting shutoff valve <u>or a listed quarter turn ball valve with a locking handle</u> shall be installed at the discharge end of the transfer hose.
6.27.3.17	additional requirement	See Commission rule §9.140(f), System Protection Requirements, Table 1.
6.27.4.1	additional requirement	See Commission rule §9.141(b)(3), Uniform Safety Requirements.
6.27.4.2	additional requirement	See Commission rule §9.141(b), Uniform Safety Requirements.
6.27.5.2	with changes	<u>Vehicles complying with Chapter 12 shall be refueled</u> [Vehicle fuel dispensers shall be equipped] with <u>vehicle fuel dispensers in compliance with 6.27.5.1 and may have reduced distances per 6.30.5.1 if equipped for low-emission transfer</u> [systems] in accordance with 6.30.5.3.
6.29.1	with changes	Section 6.29 shall apply to fire protection for industrial plants, bulk plants and dispensing systems <u>with an aggregate water capacity greater than 4,000 gallons.</u>
6.29.3.1	with changes	Fire protection shall be provided for installations with an aggregate water capacity of <u>10,000 gallons or more</u> [than 4000 gal (15.2 m³)]-and for ASME containers on roofs.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
6.29.3.2	with changes	The modes of fire protection shall be specified in a written fire safety analysis for new installations, for existing installations that have an aggregate water capacity of <u>10,000 gallons or more</u> [than 4000 gal (15.2 m³)], and for ASME containers on roofs. <u>Installations</u> [Existing installations] shall comply with this requirement <u>by September 1, 2022</u> [within 2 years of the effective date of this code].
6.29.3.3	with changes	The fire safety analysis shall be submitted by the owner, operator, or their designee to the authority having jurisdiction, <u>upon request</u> , and local emergency responders.
6.30	with changes	Alternate Provisions for Installation of <u>Underground and Mounded</u> ASME Containers
7.2.2.16	additional requirement	See Commission rule §9.137, Inspection of Cylinders at Each Filling.
7.2.3.8	additional requirement	See Commission rule §9.143(c)(2), Piping and Valve Protection for Stationary LP-Gas Installations with Individual or Aggregate Water Capacities of 4,001 Gallons or More.
7.4.2.1	additional requirement	See Commission rule §9.136, Filling of DOT Containers.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
7.4.3.1	with changes	<p>The volumetric method shall be limited to the following containers, where they are designed and equipped for filling by volume:</p> <p>[(1) Cylinders of less than 200 lb (91 kg) water capacity that are not subject to DOT jurisdiction]</p> <p>(2) Cylinders of <u>101 lb LP-gas capacity</u> [200 lb (91 kg) water capacity] or more</p> <p><u>(3) Cargo tanks or portable tanks</u></p> <p><u>(4) ASME and API-ASME containers complying with 5.2.1.1 or 5.2.4.2</u></p>
8.2.1.1	additional requirement	See Commission rule §9.140(c), System Protection Requirements.
8.3.1	not adopted	
Table 8.3.1(a)	not adopted	
Table 8.3.1(b)	with changes	<p>Heading: Maximum Allowable Storage Quantities of LP-Gas in [Mercantile,] Industrial, and Storage Occupancies</p> <p>Column (2) (Mercantile) Not Adopted</p>
8.3.2	not adopted	See Commission rule §9.1(e), Application of Rules, Severability, and Retroactivity.
8.4.1.1	additional requirement	See Commission rule §9.141(i), Uniform Safety Requirements.
8.4.2.2	additional requirement	See Commission rule §9.140(h), System Protection Requirements.
8.4.3	not adopted	See Commission rule §9.27, Application for an Exception to a Safety Rule.
8.5.5	not adopted	See Commission rule §9.141(i), Uniform Safety Requirements.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
9.4.6.2	additional requirement	See Commission rule §9.211, Markings.
9.4.8	with changes	<u>Any unit registered with the Commission</u> [Each cargo tank vehicle or trailer] shall utilize a wheel stop, in addition to the parking or hand brake, whenever the <u>unit</u> [cargo tank vehicle] is loading, unloading or parked, <u>to prevent the unit from unintended movement.</u>
9.6.2.2	with changes	Valves and fittings shall be protected by a method [approved by the authority having jurisdiction] to minimize the possibility of damage.
11.2	additional requirement	See Commission rules §§9.8, Requirements and Application for a New Certificate and <u>9.51, General Requirements for LP-Gas Training and Continuing Education.</u>
11.3.4(A)	not adopted	See Commission rule §9.129, Manufacturer's Nameplate and Markings on ASME Containers.
12.3.4.2	with changes	The label marking shall consist of a border and the word PROPANE in letters not less than 1 in. (25 mm) in height, centered in the diamond, of silver or white reflective luminous material on a black <u>or Pantone 2945 C Royal Blue or equivalent</u> background.
12.5.4(5)	additional requirement	<u>Each specific mounting bracket shall be marked in a visible location, to indicate the manufacturer of the bracket.</u>
12.5.13(2)	additional requirement	See Commission rule §9.211(b), Markings.
Chapter 14	not adopted	Commission authority does not extend to marine shipping and receiving activities.

Affected NFPA 58 Section	Specific Action	Commission Rule(s) to be Followed or Other Comments (underlining shows added language; strike-outs show deleted language)
15.1	with changes	<p>Scope. This chapter includes requirements related to the operations and maintenance of bulk plant, industrial plant, [refrigerated, marine] and pipeline LP-Gas systems. The provisions of this chapter apply to all new and existing installations.</p> <p><u>Bulk plants and industrial plants with an aggregate water capacity of 10,000 gallons or more and all pipeline LP-Gas systems shall comply with this chapter. Existing installations shall comply within one year of the effective date of the amendments to §9.403, Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or Additional Requirements.</u></p>



RAILROAD COMMISSION OF TEXAS

Oversight and Safety Division
Alternative Fuels Safety Department

PERC-BASED TRAINING APPLICATION

Please Type or Print

Under 16 Texas Administrative Code (TAC) §9.55, companies may apply on this form to the RRC for approval to offer PERC-based courses for RRC Dispenser Operations training and certification or continuing-education credit. Please fill in all applicable information and attach a copy of any required supporting documentation. A non-refundable \$300 registration fee must accompany this form.

APPLICANT INFORMATION

Company Name: _____ Company License No.: _____

Contact's Full Name: _____

Contact's Telephone: _____ E-mail: _____

If provided, filer's email address will become part of the public record.

PERC BASED COURSE

Please provide the following information for the proposed course to be taught, based on the PERC *Dispensing Propane Safely Course*, for RRC Dispenser Operations training and certification or continuing-education credit.

Course title: _____

Course format (please check all that apply):

Classroom lecture

Distance learning (Internet, closed-circuit TV, video conferencing, etc.)

Other (please specify): _____

Course description:

Company Name: _____

REQUIRED MATERIALS

Provide copies of the following course materials when submitting the completed application:

Course curriculum, including links or digital copies of any videos included in the course curriculum

Course examination materials

Note: Course curriculum that does not include training on the RRC requirements listed in §9.20(4) of the LP-Gas Safety Rules will not be approved.

Only course materials that have been approved by RRC may be used for course credit. Revised course materials must be submitted and approved by RRC prior to use. See §9.55(e) regarding course material revisions.

CERTIFICATION

By my signature below, I certify that I have read, understand and, if approved to offer PERC based courses for RRC Dispenser Operations training and examination or continuing-education credit, will comply fully with all applicable RRC rules and standards of reporting, as set out in 16 TAC §9.55. I further certify that I have access to all computer hardware and software needed to file electronic reports on the schedule and in the formats required by the RRC.

I further understand that failure to comply with all applicable RRC rules and standards may result in revocation of my approval to offer courses for RRC credit.

Signature of Applicant

Date

Return to:
training-exams@rrc.texas.gov
RAILROAD COMMISSION OF TEXAS
AFS Training Section
P.O. Box 12967
Austin, Texas 78711-2967

RRC USE ONLY

Initial Application Review:

\$300 registration fee submitted. Register Number: _____

Company name and contact information

Course information provided

Course materials received

Course curriculum requirements met:

Consistent with PERC Dispensing Propane Safely course

Includes training on the following sections:

§9.135

§9.136

§9.137

§9.141(d) and (g)

NFPA 58 §7.4.3.1 in Figure §9.403

Course examination materials received

Initial review completed date:

Status

Denied. Date deficiency notice sent _____

Resubmission received within 30 days of notice. Received date: _____

Resubmission review complete date: _____

Resubmission status: Approved Denied

Passed. Application approval notice sent: _____



RAILROAD COMMISSION OF TEXAS
 Oversight and Safety Division
 Alternative Fuels Safety Department

LPG FORM 7

CARGO TANK REGISTRATION/RE-REGISTRATION

Please Type or Print

COMPANY NAME _____ LICENSE NUMBER _____

Each transport (bobtail or semi-trailer) or other motor vehicle equipped with LP-gas cargo tanks shall be registered with Alternative Fuels Safety (AFS) under the name or names which the operator conducts business in Texas. Each operator of a transport must register the cargo tank. The non-refundable registration fee is \$270 per cargo tank listed.

NOTE: Cargo tank registrations expire when the company license expires, regardless of time left on the license.

List each cargo tank being registered/re-registered: (Use additional sheets if necessary.)

Name of Container Manufacturer	Container Serial No.	W.G. Capacity	Working Pressure	Dedicated Propane Service (SA-612)* Y/N	Fee Submitted
Total					

*See form instructions.

I declare under penalties prescribed in Section 91.143 Texas Natural Resources Code, that I am authorized to sign this report, and that the information stated herein is true, correct, and complete to the best of my knowledge. By filing this application via facsimile transmission, applicant voluntarily stipulates and agrees that the filed facsimile copy shall be treated as an original document for all purposes in any court or administrative proceedings.

Additionally, applicant agrees that this application may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature.

 (Printed Name of Authorized Company Representative)

 (Signature of Authorized Company Representative)

 (Date)

() _____
 (Area code and telephone number)

 (Email address)

Registrations

The following items are needed to complete the registration process for each unit.

Required Items	New (Previously Unregistered in Texas)	Previously Registered with Expired Registration	Re-registration (renewal) for Currently Registered Units
Completed LPG Form 7	X	X	X
U1-A (Manufacturer's data report)	X		
DOT Certificate of Compliance	X		
Container test results per 49 CFR 180.407(c)**	X	X	X
RRC Inspection within previous four years		X	X

** Container test results are required for previously unregistered units unless the unit was manufactured within the previous five years, or ten years if approved for SA-612 exemption. Previously registered units (expired or re-registration) must submit updated container test results if the unit has been out of LP-gas service for more than one year or the unit has an updated test result. Previously registered units with a container test result on file with AFS older than five (5) years, or ten (10) years for SA-612 exempt units, will not be registered

DO NOT SEND CASH. Make Check or Money Order
Payable To: **The Railroad Commission of Texas**. To
pay by credit card please visit our website at
www.rrc.texas.gov/alternative-fuels/.

Return to:

lplicense@rrc.texas.gov (Fastest processing time.)

Railroad Commission of Texas
Alternative Fuels Safety
P. O. Box 12967
Austin, Texas 78711

Fax: (512) 463-7292

(800) 64-CLEAR

RAILROAD COMMISSION OF TEXAS

ALTERNATIVE FUELS SAFETY

INSTRUCTIONS FOR COMPLETING LPG FORM 7

1. **Company Name:** The company name the cargo tank will be operated under. The name must be listed as the company name or an assumed name (dba) listed on LPG Form 1; otherwise, an amended LPG Form 1 must be submitted along with any documentation required for name change or the addition of an assumed name.
2. **License Number:** The license number of the company registering the units.
3. **Name of Container Manufacturer:** The cargo tank's manufacturer listed on the manufacturer's data report (U1-A).
4. **Container Serial No.:** The cargo tank's serial number listed on the U1-A.
5. **W.G. Capacity:** The cargo tank's water gallon capacity listed on the U1-A.
6. **Working Pressure:** The cargo tank's working pressure listed on the U1-A.
7. **Dedicated Propane Service:** If the unit being transferred is a container delivery unit this field is not required. If the unit being transferred is a cargo tank and the new owner is seeking a 10-year test interval, then the unit must comply with the requirements below:

49 CFR 180.407(c) 10-year test interval:

MC-331 cargo tanks less than 3,500 gallons water capacity in dedicated propane service constructed of nonquenched and tempered NQT SA-612 steel may be tested every ten years. Units that are made of NQT SA-202 or NQT SA-455 steel may also qualify for a 10-year test interval; a copy of the Charpy vee notch energy test will be required for these units to qualify.

To qualify for the 10-year test interval the following documentation must be submitted:

- For NQT SA-612 units, submit a copy of the U1-A showing the unit is constructed of NQT SA-612 steel.
- For NQT SA-202 or NQT SA-455 units, submit a copy of the U1-A showing the unit is constructed of NQT SA-202 or NQT SA-455 steel, and a copy of the full-size equivalent (FSE) Charpy vee notch energy test showing 75% shear-area ductility at 32 degrees F with an average of 3 or more samples greater than 15-ft-lb FSE with no sample less than 10 ft-lb FSE.
- For all units, the DOT Certificate of Compliance must show the unit is built to MC-331 specifications and has a capacity less than 3,500 gallons.

If the unit is in dedicated propane service, then the new owner must place a Y in the Dedicated Propane Service Column. If the unit will not be in dedicated propane service, then enter an N; the unit is not eligible for a 10-year test interval per 49 CFR. See item 11 for more information.

8. **Fee Submitted:** The fee amount being submitted for the unit's registration/re-registration.
9. **Manufacturer's data report (U1-A):** This document is issued by the manufacturer and lists all the specifications of the cargo tank. This is used to verify the cargo tank information. It also lists the cargo tank size and steel type. If you did not receive a copy of the U1-A with the sale of the unit, then contact the seller for a copy. If the manufacturer's nameplate lists a National Board (NB) number, then you can contact the National Board to obtain a copy.
10. **DOT Certificate of Compliance:** This document is issued by the outfitter or manufacturer, and states that the cargo tank was designed in accordance with DOT requirements. Normally this looks like a letter issued to the buyer. Sometimes this document can be included on the U1-A form. Per 49 CFR §178.337-18, a copy or the original DOT Certificate of Compliance is required to be given to each operator of an MC-331 cargo tank. If you did not receive a copy, contact the seller of the cargo tank for a copy.
11. **Test required by 49 CFR 180.407(c):** Each cargo tank required to be registered with AFS shall be tested in accordance with 49 CFR 180.407, relating to requirements for test and inspection of specification cargo tanks.

The tests shall be conducted by any individual authorized by the United States Department of Transportation through a DOT "CT" number to conduct such tests. If the test results show any unsafe condition, or if the cargo tank does not comply with 49 CFR Parts 100-185, the cargo tank will not be registered.

12. RRC inspections: For re-registrations, if the cargo tank has not been inspected within the past four years, then an inspection must be completed prior to registration. AFS will not register a cargo tank if it does not have an inspection record by a Commission representative within four years of its initial registration and an inspection record at least once every four years after the initial registration. Inspections can be requested by submitting a request to safetynoticerreply@rrc.texas.gov.
13. Signature of Authorized Company Representative: Signature of the individual authorized by the company to complete and sign the form.
14. Email address: Providing an email address is optional. If provided, the filer's address will become part of the public record.



RAILROAD COMMISSION OF TEXAS
 Oversight and Safety Division
 Alternative Fuels Safety Department

LPG FORM 7A

CONTAINER DELIVERY UNIT REGISTRATION/RE-REGISTRATION

Please Type or Print

COMPANY NAME _____ LICENSE NUMBER _____

Each container delivery unit shall be registered with Alternative Fuels Safety (AFS) under the name or names which the operator conducts business in Texas. Each operator of a container delivery unit must register the unit. The non-refundable registration fee is \$270 per container delivery unit listed.

NOTE: Vehicle registrations expire when the company license expires.

List each container delivery unit being registered/re-registered: (Use additional sheets if necessary)

Vehicle Identification Number (VIN)	Fee Submitted
Total	

If the container delivery unit has been previously registered with the Commission, then it cannot be re-registered unless the unit has been inspected in the previous four years.

I declare under penalties prescribed in Section 91.143 Texas Natural Resources Code, that I am authorized to sign this report, and that the information stated herein is true, correct, and complete to the best of my knowledge. By filing this application via facsimile transmission, applicant voluntarily stipulates and agrees that the filed facsimile copy shall be treated as an original document for all purposes in any court or administrative proceedings.

Additionally, applicant agrees that this application may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature.

 (Printed Name of Authorized Company Representative)

 (Signature of Authorized Company Representative)

 (Date)

() _____
 (Area code and telephone number)

 (Email address)

Return to:
lplicense@rrc.texas.gov (Fastest processing time.)

Railroad Commission of Texas
 Alternative Fuels Safety
 P. O. Box 12967
 Austin, Texas 78711

Fax: (512) 463-7292

(800) 64-CLEAR

Created June 2022

DO NOT SEND CASH. Make Check or Money Order Payable To: **The Railroad Commission of Texas**. To pay by credit card please visit our website at www.rrc.texas.gov/alternative-fuels/.

RAILROAD COMMISSION OF TEXAS

ALTERNATIVE FUELS SAFETY

INSTRUCTIONS FOR COMPLETING LPG FORM 7A

1. **Company Name:** The company name the container delivery unit(s) will be operated under. The name must be listed as the company name or an assumed name (dba) listed on LPG Form 1; otherwise, an amended LPG Form 1 must be submitted along with any documentation required for name change or the addition of an assumed name.
2. **License Number:** The license number of the company registering the unit(s).
3. **Vehicle Identification Number (VIN):** The vehicle's National Highway Traffic Safety Administration's 11-17 character VIN. If the unit is motorized, then provide the tractor's VIN. If the unit is not motorized, then provide the trailer's VIN (chassis/frame number).
4. **Fee Submitted:** The fee amount being submitted for the unit's registration/re-registration.
5. **RRC inspections:** For re-registrations, if the container delivery unit has not been inspected within the past four years, then an inspection must be completed prior to registration. AFS will not register a container delivery unit if it does not have an inspection record by a Commission representative within four years of its initial registration and an inspection record at least once every four years after the initial registration. Inspections can be requested by submitting a request to safetynoticereply@rrc.texas.gov.
6. **Email address:** Providing an email address is optional. If provided, the filer's email address will become part of the public record.



RAILROAD COMMISSION OF TEXAS
Oversight and Safety Division
Alternative Fuels Safety Department

LPG FORM 7T

CARGO TANK AND CONTAINER DELIVERY UNIT TRANSFER

Please Type or Print

New Owner/Operator Name _____ License Number _____

Previous Owner/Operator Name _____ License Number _____

The transfer of ownership or the transfer of other rights of cargo tanks or container delivery units **currently** registered, requires the transfer of such units in the name of the new owner/operator with AFS prior to the use of such units for transporting or delivering LPG. **The transfer fee for a unit currently registered to another licensee is \$100 per unit** regardless of the water gallon capacity or time remaining on the license for the licensee to whom the unit was transferred.

This form is not used for units that will have multiple operators. Each operator of a unit must register the unit separately. If a unit will also be operated by another company, submit LPG Form 7 for cargo tanks or LPG Form 7A for container delivery units.

List each cargo tank or container delivery unit being transferred: (Use additional sheets if necessary)

Cargo Tank Manufacturer Name	Cargo Tank Container Serial No. OR Container Delivery Unit Vehicle Identification Number (VIN)	Dedicated Propane Service (SA-612)* Y/N	Fee Submitted
Total			

*See form instructions.

I declare under penalties prescribed in Section 91.143 Texas Natural Resources Code, that I am authorized to sign this report, and that the information stated herein is true, correct, and complete to the best of my knowledge. By filing this application via facsimile transmission, applicant voluntarily stipulates and agrees that the filed facsimile copy shall be treated as an original document for all purposes in any court or administrative proceedings.

Additionally, applicant agrees that this application may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature.

(Printed Name of Authorized Company Representative)

(Signature of Authorized Company Representative)

(Date)

() _____
(Area code and telephone number)

(Email address)

The following items are needed to complete the transfer process for each unit.

- Submit completed LPG Form 7T.
- Pay the \$100 transfer fee for each unit.
- Submit a copy of the hydrostatic or pneumatic test required by 49 CFR 180.407(c) for each unit, if applicable.
- Verify the unit has received an RRC inspection within the last four years.

NOTE: Cargo tank and container delivery unit registrations expire when the company license expires, regardless of time left on the license.

DO NOT SEND CASH. Make Check or Money Order
Payable To: **The Railroad Commission of Texas**. To
pay by credit card please visit our website at
www.rrc.texas.gov/alternative-fuels/.

Return to:
lplicense@rrc.texas.gov (Fastest processing time.)

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RAILROAD COMMISSION OF TEXAS **ALTERNATIVE FUELS SAFETY**

INSTRUCTIONS FOR COMPLETING LPG FORM 7T

1. **New Owner/Operator Name:** The company name of the licensee submitting the form to transfer one or more cargo tanks or container delivery units. The name must be listed as the company name or an assumed name (dba) listed on LPG Form 1; otherwise, an amended LPG Form 1 must be submitted along with any documentation required for name change or the addition of an assumed name.
2. **New Owner/Operator License Number:** The license number of the licensee the unit(s) is/are being transferred to.
3. **Previous Owner/Operator Name:** The company name of the licensee the unit's current Form 4 Decal is issued to. A unit must have an active (unexpired) decal issued to qualify for transfer. Units without a current decal must be registered using LPG Form 7 or LPG Form 7A.
4. **Previous Owner/Operator License Number:** The license number of the company the unit's current Form 4 Decal is issued to.
5. **Cargo Tank Name of Manufacturer:** If the unit being transferred is a cargo tank, then provide the name of the manufacturer listed on the manufacturer's data report (U1-A).
6. **Cargo Tank Container Serial No.:** If the unit being transferred is a cargo tank, then provide the serial number listed on the U1-A.
7. **Container Delivery Unit Vehicle Identification Number (VIN):** If the unit being transferred is a container delivery unit, then provide the vehicle's National Highway Traffic Safety Administration's 11–17-character VIN. If the unit is not motorized, then provide the trailer's VIN (chassis/frame number).
8. **Dedicated Propane Service:** If the unit being transferred is a container delivery unit this field is not required. If the unit being transferred is a cargo tank and the new owner is seeking a 10-year test interval, then the unit must comply with the requirements below:

49 CFR 180.407(c) 10-year test interval:

MC-331 cargo tanks less than 3,500 gallons water capacity in dedicated propane service constructed of nonquenched and tempered NQT SA-612 steel may be tested every ten years. Units that are made of NQT SA-202 or NQT SA-455 steel may also qualify for a 10-year test interval; a copy of the Charpy vee notch energy test will be required for these units to qualify.

To qualify for the 10-year test interval the following documentation must be submitted:

- For NQT SA-612 units, submit a copy of the U1-A showing the unit is constructed of NQT SA-612 steel.
- For NQT SA-202 or NQT SA-455 units, submit a copy of the U1-A showing the unit is constructed of NQT SA-202 or NQT SA-455 steel, and a copy of the full-size equivalent (FSE) Charpy vee notch energy test showing 75% shear-area ductility at 32 degrees F with an average of 3 or more samples greater than 15-ft-lb FSE with no sample less than 10 ft-lb FSE.
- For all units, the DOT Certificate of Compliance must show the unit is built to MC-331 specifications and has a capacity less than 3,500 gallons.

If the unit is in dedicated propane service, then the new owner must place a Y in the Dedicated Propane Service Column. If the unit will not be in dedicated propane service, then enter an N; the unit is not eligible for a 10-year test interval per 49 CFR. See item 11 for more information.

9. **Fee Submitted:** The fee amount being submitted for the unit's registration/re-registration.

10. Cargo Tank Test: Each cargo tank required to be registered with AFS shall be tested in accordance with 49 CFR 180.407, relating to requirements for test and inspection of specification cargo tanks. The tests shall be conducted by any individual authorized by the United States Department of Transportation through a DOT "CT" number to conduct such tests. If the test results show any unsafe condition, or if the cargo tank does not comply with 49 CFR Parts 100-185, the cargo tank will not be transferred.
11. RRC inspections: For transfers, if the cargo tank has not been inspected within the past four years, then an inspection must be completed prior to transfer. AFS will not transfer a cargo tank if it does not have an inspection record by a Commission representative within four years of its initial registration and an inspection record at least once every four years after the initial registration. Inspections can be requested by submitting a request to safetynoticereply@rrc.texas.gov.
12. Email address: Providing an email address is optional. If provided, the filer's email address will become part of the public record.