

Chapter No. 319

12/SS01/R801

J.W. /TB|EC

SENATE BILL NO. 2399

Originated in Senate

G. Welch

Secretary

SENATE BILL NO. 2399

AN ACT TO AMEND SECTION 75-57-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, BEFORE ANY PERSON IS GRANTED A PERMIT TO ENGAGE IN THE BUSINESS OF DISTRIBUTING OR SELLING LIQUEFIED COMPRESSED GAS, HE SHALL SATISFY THE STATE LIQUEFIED COMPRESSED GAS BOARD THAT HE IS OF GOOD CHARACTER AND COMPETENT TO TRANSACT BUSINESS SO AS TO SAFEGUARD THE INTEREST OF THE PUBLIC; TO AMEND SECTION 75-57-105, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE LIQUEFIED COMPRESSED GAS BOARD SHALL PROMULGATE AND ENFORCE REGULATIONS NECESSARY FOR THE ADMINISTRATION OF THE CHAPTER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 75-57-49, Mississippi Code of 1972, is amended as follows:

75-57-49. (1) Before any person shall be granted a permit to, or shall engage in or continue in the business of the distributing, either wholesale or retail, installing, altering, extending, changing or repairing of any liquefied compressed gas system, appliance or container, or in the business of distributing and selling liquefied compressed gas, either at wholesale or retail, whether from trucks or other vessels, in cylinders or in any other manner, such person shall satisfy the State Liquefied Compressed Gas Board that he or she is of good character, is competent to transact business so as to safeguard the interest of the public, and is financially responsible; and this provision as to financial responsibility shall be met by such person by filing with the State Liquefied Compressed Gas Board evidence that he or she has in force such of the hereinafter listed insurance policies on standard contract forms and written by an insurance company, or companies, qualified to do business in the State of Mississippi, as the State Liquefied Compressed Gas Board shall require, based

upon those activities listed above in which such person is engaged, to wit:

ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR APPLIANCES:

	Limits of Liability	
	Each	
	Occasion	Aggregate
Manufacturers and Contractors		
Public Liability	\$100,000	\$300,000
Products Liability	\$100,000	\$300,000
Workers' Compensation and Employers' Liability Insurance	State Statute	

ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:

	Limits of Liability		
	Bodily Injury		Property
	Each	Each	Damage Each
	Person	Accident	Accident
Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
	Each		
	Occasion	Aggregate	
Manufacturers and Contractors			
Public Liability	\$1,000,000	\$1,000,000	
Products Liability	\$1,000,000	\$1,000,000	
Workers' Compensation and Employers' Liability Insurance	State Statute		

(2) The State Liquefied Compressed Gas Board shall not require insurance coverage as specified above unless the hazard of liquefied compressed gases is involved.

(3) No policy issued under the provisions of this chapter may be cancelled before thirty (30) days from the date of receipt by the Commissioner of Insurance of written notice of intention to cancel the policy.

(4) It is expressly provided, however, that in lieu of filing with the State Liquefied Compressed Gas Board evidence that such insurance, as outlined above, is in force, any such person may file with the State Liquefied Compressed Gas Board a good and sufficient surety bond executed by a surety company licensed to do business in this state in the amount of One Million Dollars (\$1,000,000.00), which such bond shall be payable to the State of Mississippi and shall be conditioned to guarantee the payment of all damages which proximately result from any act of negligence on the part of such person, or their agents or employees, while engaged in any of the activities herein specified. In lieu of the surety bond, any such person may execute and file a good and sufficient personal bond in the amount and conditioned as specified above, which such personal bond shall be secured by bonds or other obligations of the State of Mississippi or the United States government, of equal value.

(5) Upon compliance with the provisions of this section, where such compliance is required, and upon compliance with all other provisions of this chapter, the State Liquefied Compressed Gas Board shall issue to such dealer a permit to engage in such business, but not before. All such permits shall be valid until voluntarily surrendered, or until suspended, revoked or cancelled by the State Liquefied Compressed Gas Board, the Commissioner of Insurance or the chancery or circuit court. All permits issued under the provisions of Chapter 170, Laws of 1940, as amended, or Chapter 265, Laws of 1946, shall remain in full force and effect until the expiration date thereof at which time they must be renewed under the terms and conditions of this chapter.

SECTION 2. Section 75-57-105, Mississippi Code of 1972, is amended as follows:

75-57-105. (1) The board shall promulgate and enforce regulations necessary for the administration of this chapter, and also setting forth the minimum general safety standards for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer and utilizing liquefied compressed gas for fuel purposes and for the odorization of liquefied compressed gas.

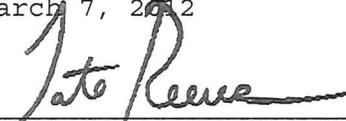
(2) The board's regulations shall be in substantial conformity with the published Standards of the National Fire Protection Association for the Storage and Handling of Liquefied Petroleum Gases (NFPA 58) and with the National Fuel Gas Code (NFPA 54) as recommended by the National Fire Protection Association, adopted in accordance with the Mississippi Administrative Procedures Law. The board shall consider the adoption of revised versions of these standards as they are adopted by the National Fire Protection Association; the board may consider the adoption of other standards for matters not addressed by the above standards or amend the above standards if deemed to be in the best interest of the State of Mississippi and with the approval of the Commissioner of Insurance.

(3) The board is authorized to hold hearings, call witnesses, administer oaths, take testimony and obtain evidence in the conduct of its business.

SECTION 3. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE

March 7, 2012



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES

March 26, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

4:25 pm