

**ADOPTED REGULATION OF THE BOARD FOR THE
REGULATION OF LIQUEFIED PETROLEUM GAS**

LCB File No. R141-01

Effective July 30, 2002

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-3, 4-8, NRS 590.505, 590.515 and 590.549; §4, NRS 590.505 and 590.515.

Section 1. Chapter 590 of NAC is hereby amended by adding thereto a new section to read as follows:

The holder of a license who fails to renew his license before the license expires may have his license reinstated if, within 30 days after the license expires, he pays to the board an amount equal to 115 percent of the annual fee for the license and a reinstatement fee of \$250. If the holder does not have his license reinstated within 30 days after it expires, he must apply for a new license and pay the fees for the issuance of a new license.

Sec. 2. NAC 590.100 is hereby amended to read as follows:

590.100 As used in NAC 590.100 to 590.650, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 590.110 to 590.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NAC 590.240 is hereby amended to read as follows:

590.240 The board will charge and collect the following fees:

Class 1:

Fee for an application for a license.....~~[\$55]~~ \$70

Annual fee for a license for a dealer who sells or distributes less than	
250,000 gallons	550
Annual fee for a license for a dealer who sells or distributes 250,000	
gallons or more	770]
<i>LP gas</i>	<i>925</i>
Fee for inspecting each storage tank, plant facility or truck tank.....	85]

~~Class 2:] 105~~

Class 2A:

Fee for an application for a license.....	55] 70
Annual fee for a license	110] 135
Fee for inspecting each storage tank [,] <i>or</i> delivery truck [or cage for the	
storage of cylinders which are available for exchange or sale	85] 105

Class 2B:

<i>Fee for an application for a license</i>	<i>70</i>
<i>Annual fee for a license</i>	<i>65</i>
<i>Fee for inspecting each site where a cage for the storage of cylinders</i>	
<i>which are available for exchange or sale is located</i>	<i>50</i>

Class 3:

Fee for an application for a license.....	55] 70
Annual fee for a license	110] 135

Class 4:

Fee for an application for a license.....	55] 70
Annual fee for a license	110] 135

Fee for inspecting each dispensing unit.....~~[85]~~ 105

Class 5:

Fee for an application for a license.....~~[55]~~ 70

Annual fee for a license.....~~[110]~~ 135

Fee for inspecting each storage tank or vaporizer.....~~[85]~~ 105

plus any other
expenses related
to the inspection.

Miscellaneous Fees:

Fee for the examination for a certificate of competency.....~~[80]~~

~~—Certificate]~~100

Fee for the issuance or renewal of a certificate of competency.....~~[40]~~ 145

Sec. 4. NAC 590.280 is hereby amended to read as follows:

590.280 1. A person licensed pursuant to NRS 590.465 to 590.645, inclusive, shall disclose the following information to his customers and prospective customers:

(a) The prices per unit of sales of LP gas, the effective dates of those prices and any figures required to convert those prices to prices per gallon, cubic feet and therms.

(b) Any charges for special deliveries, including, but not limited to:

- (1) Charges for deliveries which are not on a scheduled route.
- (2) Charges for bulk deliveries.
- (3) Differences in minimum delivery prices.
- (4) Charges for deliveries made on weekends or after hours.
- (5) Initial charges and conditions for beginning service.

(c) The annual fee for renting a tank for LP gas.

2. Each time LP gas is delivered to a customer, the person licensed pursuant to NRS 590.465 to 590.645, inclusive, shall disclose upon the delivery ticket:

(a) The volume of LP gas delivered;

(b) The price per gallon, cubic foot or therm of LP gas delivered; and

(c) The total amount of the sale.

3. The information required to be disclosed pursuant to subsection 1 must be:

(a) Disclosed by telephone request.

(b) Printed in a standard format established by the licensee and displayed conspicuously in the licensee's place of business ~~[at least 3 working days before]~~ *not later than the beginning of the business day on which* the prices and charges become effective. The licensee may include any additional information if he so desires.

Sec. 5. NAC 590.320 is hereby amended to read as follows:

590.320 ~~[Except those persons certified as qualified who seek certification renewal without examination in the manner provided in NAC 590.360, and except those applicants who have successfully completed the Certified Employee Training Program of the National Propane Gas Association, all applicants for certification]~~

1. Each applicant for a certificate of competency must submit to an oral and written examination.

2. The board may, upon good cause shown, require the holder of a certificate of competency to submit to an oral and written examination. The board will provide to the holder at least 30 days' written notice of the time and place of the examination.

Sec. 6. NAC 590.350 is hereby amended to read as follows:

590.350 Each certificate of competency expires on June 30 *of the third year* following the ~~[date of the issuance of]~~ *year* the certificate ~~[.]~~ *is issued.*

Sec. 7. NAC 590.360 is hereby amended to read as follows:

590.360 A person ~~[whose]~~ *may renew a* certificate of competency ~~[has not expired or been suspended or revoked by the board, may renew his certificate annually without taking]~~ *if he submits to* the examination required pursuant to NAC 590.320 ~~[.]~~ *not later than June 30 of the year in which the certificate expires.*

Sec. 8. NAC 590.380 is hereby amended to read as follows:

590.380 1. If a certificate expires for failure ~~[timely]~~ to apply for renewal ~~[.]~~ *in a timely manner*, a new certificate will be issued by the board to the holder of the expired certificate only upon his passing an oral and written examination.

2. An order by the board suspending a certificate will be followed in all cases by a further order:

(a) Vacating the order of suspension, thereby renewing the original certificate; or

(b) Permanently revoking the certificate.

3. *Upon the suspension of a certificate, the board will not renew the original certificate until the holder of the certificate passes the prescribed oral and written examination.*

4. An application for the issuance of a new certificate will not be accepted, entertained or acted upon while an order of suspension of the certificate of the applicant is in effect.

~~[When]~~

5. *If* the board has revoked a certificate pursuant to the provisions of NRS 590.605, a new certificate will not be issued to the person whose certificate was revoked until he passes the prescribed oral and written examination.

~~[4.]~~ 6. A period of at least 6 months from the date of the order of revocation of a certificate must elapse before a person who has had a certificate revoked may reapply for examination and issuance of a new certificate.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R141-01**

The Board for the Regulation of Liquefied Petroleum Gas adopted regulations assigned LCB file No. R141-01 that pertain to chapter 590.465 to 590.645, inclusive, of the Nevada Administrative Code on June 21, 2002.

Notice date: 5/7/2002
Hearing date: 6/21/2002

Date of adoption by agency: 6/21/2002
Filing date: 7/30/2002

**INFORMATIONAL STATEMENT
and Business Impact Statement**

**Notice of Public Hearing for the Adoption of Fee increases for services,
licenses, and late payment assessment on accounts receivable due the
Nevada Liquidified Petroleum Gas Board (NLPGB).**

The NLPGB will hold a public hearing on June 21st. 2002 commencing at 1000 hrs. (am) at The Laxalt Building, 401 South Carson Street, Carson City, Nevada. The NLPGB will receive testimony from all interested persons and consider and take action on the following proposed resolution. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NLPGB may proceed to immediately act upon any written submissions:

Resolution Title:

Proposed Fee increases and late Penalties as related to the Annual Budget of the NLPGB. Action may be taken by the Board at this meeting based upon open meeting law and legal posting of the agenda with item number M, and item number R/S pertaining to this business impact statement.

Description of the subjects and issues involved:

The NLPGB has proposed through a series of several open meetings to increase the overall service and licensing fees equally in all line item accounts 20% in order to balance the budget; in addition, the NLPGB proposes to institute a late penalty fee for all accounts receivable more than 30 days past due.

Estimated economic effect of the proposed regulation on the business:

Adverse and beneficial effects: We estimate that the economic effect on small business will be minimal. It is recognized that this increase will minimally affect the industry and consumer with 20% higher charges for the services and licenses they receive directly from the NLPGB.

These increases are necessary to statutorily balance the annual budget of the NLPGB and office operations. The NLPGB has been marginally operating for the past two years, and has partially exhausted our reserves to stay afloat. The 20% increase in all fees and license charges will allow this agency to continue to operate at Status Que level. The late fee will encourage prompt payment of invoices and better time management of renewals, certificates, and safety inspections. Office staff will be able to spent more valuable time in the overall work load than tracking down past due accounts.

The financial impact to the industry will be an across the board 20% increase in all charges assessed them for inspections, licenses, and related services provided by the NLPGB. It is recognized that the industry will at minimum probably pass some of the increases along to the customers. The NLPGB clients will also be assessed a late fee for any accounts receivable over 30 days past due.

Direct and Indirect effects:

The fee increases will be initiated on 7-1-2002 at the start of the new fiscal year, if proper and legal action in the affirmative is taken by the Board at the June 21st. public hearing and the 30-day appeal period expires without petition action.

Estimated cost of enforcement of the proposed rule:

None determined at this time other than the late fees associated with this action. NLPGB office staff and safety inspector will inform the industry of the increase through “ stuffers” in written correspondence for the 1st. quarter of fiscal year 2003 (July 1st 02-Sept 30,02).

Estimated revenues expected to be generated by the proposed rule and the manner in which the money is to be used:

It is estimated that these service, late fees and license fees will generate approximately \$36,000.00 annually which will be utilized to operate the NLPGB. The NLPGB prepares and operates on an annual fiscal year budget that is required by law to be balanced based upon income vs. expenses.

Determination as to whether the provisions of the rule are duplicative, or more stringent than existing local, state or federal standards.

There is no known duplications or more stringent rules proposed with this action at this time. The appropriate Nevada Administrative Code (NAC) sections will be updated to reflect any changes approved by the Board, as noted in Agenda items number **N** and numbers **P/Q** of the 6-21-2002 posted meeting.

Description of the manner in which comments regarding the proposed rule were gathered, and a summary of those responses:

General discussion of the subject matter has been conducted at the January, February, March, and April meetings of the Board concerning the budget and income of the NLPGB. At all of these meetings public input has been taken. A subcommittee was assigned by the chairperson in February and a workshop held in March to introduce the results of the subcommittee recommendations. At the April meeting the Board adopted the 20% increase and voted to move it to public hearing and action at the June 2002 meeting. Public comment has been encouraged and received at each step.

Description of the methods used to reduce the impact of the rule:

The NLPGB will be conservative and responsible to achieve balance and minimal growth budget; we must by statute operate within the balanced budget format while providing our service, license, and safety inspection obligations.

A business that is aggrieved by a resolution adopted by NLPGB may object to all or part of the resolution by filing a petition with the NLPGB within 30 days after the date on which the increases are adopted. Any petition filed must be based on the following grounds:

- (a) The NLPGB failed to prepare a business impact statement.
- (b) The business impact statement prepared did not consider or significantly underestimated the economic effect of the rule on businesses.

After receiving a petition filed by an aggrieved business, the NLPGB shall determine whether the petition has merit.

If the governing body determines that the petition has merit, the Board may take action to amend the rule to which the business objected.

If the Board finds that the petition does not have merit, the Board will take no action to amend the ordinance, resolution or regulation and such ordinance, resolution or regulation will remain in effect.