

MAR 14 2005  
WAYS AND MEANS

HOUSE FILE 751  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 29)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the regulation of liquefied petroleum gas  
2 storage tanks, making an appropriation, and providing  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HC-751

1 Section 1. NEW SECTION. 101.41 DEFINITIONS.

2 As used in this division, unless the context otherwise  
3 requires:

4 1. "Liability policy" means an owner's or operator's  
5 policy of liability insurance for a tank site or activities  
6 associated with the tank site, provided as proof of financial  
7 responsibility.

8 2. "Liquefied petroleum gas storage tank" means a tank,  
9 which is used to contain liquefied petroleum gas, and which  
10 has a capacity of more than four thousand gallons in volume.

11 3. "Operator" means a person in control of, or having  
12 responsibility for, the daily operation of a liquefied  
13 petroleum gas storage tank.

14 4. "Owner" means all of the following:

15 a. In the case of a liquefied petroleum gas storage tank  
16 in use on or after July 1, 2005, a person who owns the  
17 liquefied petroleum gas storage tank used for the storage,  
18 use, or dispensing of liquefied petroleum gas.

19 b. In the case of a liquefied petroleum gas storage tank  
20 in use before July 1, 2005, but no longer in use on or after  
21 that date, a person who owned the tank immediately before the  
22 discontinuation of its use.

23 5. "State fire marshal" means the state fire marshal or  
24 the state fire marshal's designee.

25 6. "Tank site" means a liquefied petroleum gas storage  
26 tank or grouping of liquefied petroleum gas storage tanks  
27 within close proximity of each other located within a facility  
28 for the purpose of storing liquefied petroleum gas.

29 Sec. 2. NEW SECTION. 101.42 REPORT OF EXISTING AND NEW  
30 TANKS -- REGISTRATION FEE -- STICKER -- PENALTY.

31 1. The owner or operator of a liquefied petroleum gas  
32 storage tank existing on or before July 1, 2005, shall  
33 register the liquefied petroleum gas storage tank by notifying  
34 the state fire marshal in writing by May 1, 2006, of the  
35 existence of each tank. The notice shall also specify the

1 age, manufacturer's serial number, size, type, location, and  
2 uses of the liquefied petroleum gas storage tank and shall be  
3 in a form specified by the state fire marshal.

4 2. An owner or operator who brings into use a liquefied  
5 petroleum gas storage tank after July 1, 2005, shall register  
6 the liquefied petroleum gas storage tank by notifying the  
7 state fire marshal in writing within thirty days of the  
8 existence of the tank. The notice shall also specify the age,  
9 manufacturer's serial number, size, type, location, and uses  
10 of the liquefied petroleum gas storage tank and shall be in a  
11 form specified by the state fire marshal.

12 3. The registration notice provided by an owner or  
13 operator to the state fire marshal under subsection 1 or 2  
14 shall be accompanied by a fee of twenty-five dollars for each  
15 liquefied petroleum gas storage tank included in the notice  
16 and the owner or operator shall furnish proof of financial  
17 responsibility for the period of registration as provided in  
18 section 101.43. The registration of all liquefied petroleum  
19 gas storage tanks registered under subsection 1 or 2 shall be  
20 renewed on an annual basis. All moneys collected pursuant to  
21 this subsection shall be retained by the department of public  
22 safety, shall be deposited in the liquefied petroleum gas  
23 storage tank registration fund established in section 101.49,  
24 and are appropriated for the use of the state fire marshal in  
25 performance of the duties set forth in this division. An  
26 annual registration renewal fee of twenty-five dollars for  
27 each liquefied petroleum gas storage tank applies to all  
28 owners or operators who filed a registration notice with the  
29 state fire marshal pursuant to subsection 1 or 2.

30 4. A person who sells or constructs a tank intended to be  
31 used as a liquefied petroleum gas storage tank shall notify  
32 the purchaser of the tank in writing of the registration and  
33 notification requirements of this section applicable to the  
34 purchaser.

35 5. It is unlawful to make, cause to be made, or receive a

1 deposit of liquefied petroleum gas in a liquefied petroleum  
2 gas storage tank which has not been registered pursuant to  
3 subsection 1 or 2. A person shall not deposit liquefied  
4 petroleum gas in a liquefied petroleum gas tank after  
5 receiving notice from the state fire marshal that the storage  
6 tank is not covered by financial responsibility in accordance  
7 with section 101.43.

8 6. The state fire marshal shall furnish the owner or  
9 operator of a liquefied petroleum gas storage tank with a  
10 numbered registration sticker for each liquefied petroleum gas  
11 storage tank registered with the state fire marshal. The  
12 owner or operator shall affix the sticker next to or in close  
13 proximity to the float or rotary gauge of each registered  
14 liquefied petroleum gas storage tank.

15 7. It is the tank owner's or tank operator's duty to  
16 comply with registration requirements. A late registration  
17 penalty of fifty dollars is imposed in addition to the  
18 registration fee for a tank registered after the required  
19 date. The penalty shall be applicable for each year in which  
20 the tank is operated without registration.

21 8. A liquefied petroleum gas storage tank that is subject  
22 to regulation under or registration with either the federal  
23 department of transportation or state department of  
24 transportation, or both, is exempt from the registration  
25 requirements of this division.

26 Sec. 3. NEW SECTION. 101.43 FINANCIAL RESPONSIBILITY.

27 1. A person required to register a liquefied petroleum gas  
28 storage tank pursuant to section 101.42 shall furnish proof of  
29 financial responsibility for damages occurring after the  
30 effective date of the proof, arising out of the ownership,  
31 maintenance, or use of the liquefied petroleum gas storage  
32 tank.

33 2. Proof of financial responsibility shall be filed with  
34 the state fire marshal in accordance with rules adopted by the  
35 fire marshal pursuant to chapter 17A. Proof of financial

1 responsibility may be in the form of a copy of a declarations  
2 of coverage or a binder issued pending the issuance of a  
3 liability policy by any insurance company duly authorized to  
4 do business in this state. The declarations of coverage or  
5 binder shall state the name and address of the named insured,  
6 the location covered, the coverage afforded, the policy  
7 period, and the limits of liability, which shall not be less  
8 than one million dollars, for bodily injury and death or  
9 property damage, or both. In the event of a transfer of  
10 ownership of a tank site, a new owner shall file proof of  
11 financial responsibility within thirty days of the transfer of  
12 ownership. Documentation submitted as proof of financial  
13 responsibility shall be a confidential record.

14 3. A person whose liability policy, when required under  
15 this chapter, has been canceled or terminated shall not  
16 display the person's registration stickers.

17 Sec. 4. NEW SECTION. 101.44 RULES.

18 The state fire marshal shall adopt rules pursuant to  
19 chapter 17A necessary to administer this division. The rules  
20 may provide for fees for inspections completed pursuant to  
21 this division. The fees shall be reasonably related to costs  
22 incurred by the state fire marshal in completing inspections.  
23 Revenue generated from the fees shall be deposited in the  
24 liquefied petroleum gas storage tank registration fund  
25 established in section 101.49.

26 Sec. 5. NEW SECTION. 101.45 STATE FIRE MARSHAL -- DUTIES  
27 AND POWERS.

28 The state fire marshal shall do all of the following:

29 1. Conduct inspections and, when warranted, investigations  
30 in response to complaints received or otherwise as determined  
31 necessary by the state fire marshal. An inspection or  
32 investigation shall be conducted subject to the procedures  
33 provided in subsection 4. For purposes of developing a rule,  
34 maintaining an accurate inventory, or enforcing this division,  
35 the state fire marshal may:

1 a. At reasonable times, enter an establishment or other  
2 place where a liquefied petroleum gas storage tank is located.

3 b. Inspect and obtain samples of liquefied petroleum gas  
4 and conduct monitoring or testing of the tanks, associated  
5 equipment, contents, or surrounding soils or air. An  
6 inspection shall be commenced and completed with reasonable  
7 promptness.

8 (1) If the state fire marshal obtains a sample, prior to  
9 leaving the premises the state fire marshal shall give the  
10 owner, operator, or agent in charge a receipt describing the  
11 sample obtained and, if requested, a portion of each sample  
12 equal in volume or weight to the portion retained. If the  
13 state fire marshal causes the sample to be analyzed, a copy of  
14 the results of the analysis shall be furnished promptly to the  
15 owner, operator, or agent in charge.

16 (2) Documents or information obtained from a person  
17 pursuant to this subsection shall be available to the public  
18 except as provided in this subparagraph. Upon a showing  
19 satisfactory to the state fire marshal that public disclosure  
20 of documents or information, or a particular part of the  
21 documents or information to which the state fire marshal has  
22 access under this subsection, would divulge commercial or  
23 financial information entitled to protection as a trade  
24 secret, the state fire marshal shall consider the documents or  
25 information or the particular portion of the documents or  
26 information confidential.

27 2. Maintain an accurate inventory of liquefied petroleum  
28 gas storage tanks. The inventory shall be maintained so that  
29 it is accessible through the internet and searchable by tank  
30 location, owner name, operator name, and any other category  
31 relevant to an inquiry to ascertain whether the tank is  
32 properly registered and eligible to receive liquefied  
33 petroleum gas.

34 3. Take any action allowed by law which, in the judgment  
35 of the state fire marshal, is necessary to enforce or secure

1 compliance with this division or any rule adopted pursuant to  
2 this division.

3 4. a. Conduct investigations of complaints received  
4 directly or referred by other agencies, and conduct other  
5 investigations deemed necessary. While conducting an  
6 investigation, the state fire marshal may enter at any  
7 reasonable time in and upon any private or public property to  
8 investigate any actual or possible violation of this division  
9 or the rules adopted under this division. However, the owner,  
10 operator, or agent in charge shall be notified of such  
11 entrance.

12 b. If the owner, operator, or agent in charge of any  
13 property refuses admittance, or if prior to such refusal the  
14 state fire marshal demonstrates the necessity for a warrant,  
15 the state fire marshal may make application under oath or  
16 affirmation to the district court of the county in which the  
17 property is located for the issuance of a search warrant.

18 c. In the search warrant application the state fire  
19 marshal shall state that an inspection of the premises is  
20 mandated by the laws of this state or that a search of certain  
21 premises, areas, or things designated in the application may  
22 result in evidence tending to reveal the existence of  
23 violations of public health, safety, or welfare requirements  
24 imposed by statutes, rules, or ordinances established by the  
25 state or a political subdivision of the state. The search  
26 warrant application shall describe the area, premises, or  
27 thing to be searched, give the date of the last inspection if  
28 known, give the date and time of the proposed inspection,  
29 declare the need for such inspection, recite that notice of  
30 the desire to make an inspection has been given to affected  
31 persons and that admission was refused if that be the fact,  
32 and state that the inspection has no purpose other than to  
33 carry out the purpose of the statute, rule, or ordinance  
34 pursuant to which inspection is to be made. If an item of  
35 property is sought by the state fire marshal, it shall be

1 identified in the application.

2 d. If the district court is satisfied from an examination  
3 of the search warrant applicant, of other witnesses, and of  
4 the application allegations regarding the existence of grounds  
5 for the application, or that there is probable cause to  
6 believe in their existence, the court may issue a search  
7 warrant.

8 e. In making inspections and searches pursuant to the  
9 authority of this division, the state fire marshal must  
10 execute the warrant as follows:

11 (1) Within ten days after its date of issuance.

12 (2) In a reasonable manner, and any property seized shall  
13 be treated in accordance with the provisions of chapters 808  
14 and 809.

15 (3) Subject to any restrictions imposed by the statute,  
16 rule, or ordinance pursuant to which inspection is made.

17 Sec. 6. NEW SECTION. 101.46 VIOLATIONS -- ORDERS.

18 1. If substantial evidence exists that a person has  
19 violated or is violating a provision of this division or a  
20 rule adopted under this division, the state fire marshal may  
21 issue an order directing the person to cease and desist in the  
22 practice which constitutes the violation and to take  
23 corrective action as necessary to ensure that the violation  
24 will cease. The order may also include an appropriate  
25 administrative penalty pursuant to section 101.47. The person  
26 to whom the order is issued may appeal the order as provided  
27 in chapter 17A and the rules of the department of public  
28 safety and the state fire marshal. On appeal, an order of the  
29 state fire marshal may be affirmed, modified, or vacated.

30 2. However, if it is determined by the state fire marshal  
31 that an emergency exists respecting any matter affecting or  
32 likely to affect the public health, the state fire marshal may  
33 issue any order necessary to terminate the emergency without  
34 notice and without hearing. The order is binding and  
35 effective immediately and until the order is modified or

1 vacated at an administrative hearing or by a district court.

2 3. The state fire marshal may request the attorney general  
3 to institute legal proceedings pursuant to section 101.47.

4 Sec. 7. NEW SECTION. 101.47 PENALTIES -- BURDEN OF  
5 PROOF.

6 1. A person who violates this division or a rule or order  
7 adopted or issued pursuant to this division is subject to a  
8 civil penalty not to exceed one hundred dollars for each day  
9 during which the violation continues, up to a maximum of ten  
10 thousand dollars. However, if a person violates this division  
11 by failing to register a liquefied petroleum gas storage tank  
12 under section 101.42, and if the tank is registered within  
13 thirty days after the state fire marshal issues a cease and  
14 desist order pursuant to section 101.46, subsection 1, the  
15 civil penalty under this section shall not accrue. The civil  
16 penalty is an alternative to a criminal penalty provided under  
17 this section.

18 2. A person who knowingly fails to register under section  
19 101.42 or makes a false statement, representation, or  
20 certification in a record, report, or other document filed or  
21 required to be maintained under this division, or violates an  
22 order issued under this division, is guilty of an aggravated  
23 misdemeanor.

24 3. The attorney general, at the request of the state fire  
25 marshal, shall institute any legal proceeding, including an  
26 action for an injunction, necessary to enforce the penalty  
27 provisions of this division or to obtain compliance with the  
28 provisions of this division or rules adopted or order issued  
29 pursuant to this division. In any action, previous findings  
30 of fact of the state fire marshal after notice and hearing are  
31 conclusive if supported by substantial evidence in the record  
32 when the record is viewed as a whole.

33 4. In all proceedings with respect to an alleged violation  
34 of this division or a rule adopted or order issued by the  
35 state fire marshal pursuant to this division, the burden of

1 proof is upon the state fire marshal.

2 5. If the attorney general has instituted legal  
3 proceedings in accordance with this section, all related  
4 issues which could otherwise be raised by the alleged violator  
5 in a proceeding for judicial review under section 101.48 shall  
6 be raised in the legal proceedings instituted in accordance  
7 with this section.

8 Sec. 8. NEW SECTION. 101.48 JUDICIAL REVIEW.

9 Except as provided in section 101.47, subsection 5,  
10 judicial review of an order or other action of the state fire  
11 marshal pursuant to this division or rule adopted pursuant to  
12 this division may be sought in accordance with chapter 17A.  
13 Notwithstanding chapter 17A, petitions for judicial review may  
14 be filed in the district court of the county in which the  
15 alleged offense was committed or the final order was entered.

16 Sec. 9. NEW SECTION. 101.49 LIQUEFIED PETROLEUM GAS  
17 STORAGE TANK REGISTRATION FUND.

18 1. A liquefied petroleum gas storage tank registration  
19 fund is created as a separate fund in the state treasury under  
20 the control of the department of public safety, division of  
21 fire protection. Interest, fees, and other moneys earned by  
22 the fund shall be deposited in the fund. Moneys credited to  
23 the fund shall be administered by the department of public  
24 safety and expended by the division of fire protection for the  
25 purposes of administering this chapter, including the  
26 employment of personnel.

27 2. Notwithstanding section 8.33, moneys credited to the  
28 fund which remain unobligated or unexpended at the close of  
29 the fiscal year shall not revert to the general fund of the  
30 state.

31 Sec. 10. CODE EDITOR DIRECTIVE. The Code editor shall  
32 organize this Act as a separate division of Code chapter 101.

33 EXPLANATION

34 This bill relates to the regulation of liquefied petroleum  
35 gas storage tanks.

1 The bill requires an owner or operator of a liquefied  
2 petroleum gas storage tank existing on or before July 1, 2005,  
3 to register the tank by notifying the state fire marshal in  
4 writing by May 1, 2006, of the existence of each tank. The  
5 bill requires an owner or operator who brings into use a  
6 liquefied petroleum gas storage tank after July 1, 2005, to  
7 register the tank by notifying the state fire marshal in  
8 writing within 30 days of the existence of the tank. The bill  
9 requires a \$25 registration fee for each tank and requires  
10 proof of financial responsibility for the period of  
11 registration to accompany the notice. The bill requires a  
12 renewal of the registration on an annual basis. The bill  
13 provides that all registration fees collected shall be  
14 retained by the department of public safety, deposited in a  
15 liquefied petroleum gas storage tank registration fund, and  
16 appropriated for the use of the state fire marshal in  
17 performance of the duties set forth in the bill.

18 The bill requires a person who sells or constructs a tank  
19 intended to be used as a liquefied petroleum gas storage tank  
20 to notify the purchaser of the tank in writing of the state  
21 fire marshal registration and notification requirements  
22 applicable to the purchaser. The bill provides that it is  
23 unlawful to make, cause to be made, or receive a deposit of  
24 liquefied petroleum gas in a liquefied petroleum gas storage  
25 tank which has not been registered with the state fire  
26 marshal. The bill provides that the state fire marshal shall  
27 furnish the owner or operator of a liquefied petroleum gas  
28 storage tank with a numbered registration sticker for each  
29 liquefied petroleum gas storage tank registered with the state  
30 fire marshal. The bill provides that a late registration  
31 penalty of \$50 is imposed in addition to the registration fee  
32 for a tank registered after the required date. The bill  
33 provides that a liquefied petroleum gas storage tank which is  
34 subject to regulation by or registration with either the  
35 federal department of transportation or state department of

1 transportation, or both, is exempt from the state fire marshal  
2 registration requirements.

3 The bill requires a person who registers a liquefied  
4 petroleum gas storage tank to furnish proof of financial  
5 responsibility for damages occurring after the effective date  
6 of the proof, arising out of the ownership, maintenance, or  
7 use of liquefied petroleum gas storage tanks. The bill  
8 provides requirements for furnishing proof of financial  
9 responsibility and provides that documentation submitted as  
10 proof of financial responsibility shall be a confidential  
11 record. The bill provides that a person whose liability  
12 policy has been canceled or terminated shall not display their  
13 registration stickers.

14 The bill provides that the state fire marshal shall conduct  
15 inspections and, when warranted, investigations in response to  
16 complaints received or otherwise as determined necessary by  
17 the state fire marshal. The bill provides that the state fire  
18 marshal may, at reasonable times, enter an establishment or  
19 other place where a liquefied petroleum gas storage tank is  
20 located and inspect and obtain samples of liquefied petroleum  
21 gas and conduct monitoring or testing of the tanks, associated  
22 equipment, contents, or surrounding soils or air. The bill  
23 provides that if the state fire marshal obtains a sample,  
24 prior to leaving the premises the state fire marshal shall  
25 give the owner, operator, or agent in charge a receipt  
26 describing the sample obtained and, if requested, a portion of  
27 each sample equal in volume or weight to the portion retained.  
28 The bill provides that if the state fire marshal causes the  
29 sample to be analyzed, a copy of the results of the analysis  
30 shall be furnished promptly to the owner, operator, or agent  
31 in charge. The bill provides that documents or information  
32 obtained from a person shall be available to the public unless  
33 a showing satisfactory to the state fire marshal that public  
34 disclosure of documents or information, or a particular part  
35 of the documents or information to which the state fire

1 marshal has access, would divulge commercial or financial  
2 information entitled to protection as a trade secret.

3 The bill requires the state fire marshal to maintain an  
4 accurate inventory of liquefied petroleum gas storage tanks  
5 and to take any action allowed by law which, in the judgment  
6 of the state fire marshal, is necessary to enforce or secure  
7 compliance. The bill requires the state fire marshal to  
8 conduct investigations of complaints received directly or  
9 referred by other agencies, and conduct other investigations  
10 deemed necessary. The bill provides that if the owner,  
11 operator, or agent in charge of any property refuses  
12 admittance, or if prior to such refusal the state fire marshal  
13 demonstrates the necessity for a warrant, the state fire  
14 marshal may make application under oath or affirmation to the  
15 district court of the county in which the property is located  
16 for the issuance of a search warrant.

17 The bill provides that if substantial evidence exists that  
18 a person has violated or is violating a provision of this  
19 bill, the state fire marshal may issue an order directing the  
20 person to desist in the practice which constitutes the  
21 violation and to take corrective action as necessary to ensure  
22 that the violation will cease. The bill provides that the  
23 order may also include an appropriate administrative penalty.  
24 The bill provides that the person to whom the order is issued  
25 may appeal the order as provided in Code chapter 17A. The  
26 bill provides that if it is determined by the state fire  
27 marshal that an emergency exists respecting any matter  
28 affecting or likely to affect the public health, the state  
29 fire marshal may issue any order necessary to terminate the  
30 emergency without notice and without hearing. The bill  
31 provides that the state fire marshal may request the attorney  
32 general to institute legal proceedings.

33 The bill provides that a person who violates a provision of  
34 this bill is subject to a civil penalty not to exceed \$100 for  
35 each day during which the violation continues, up to a maximum

1 of \$10,000. However, if an unregistered tank is registered  
2 within 30 days after the state fire marshal issues a cease and  
3 desist order, the civil penalty shall not accrue. The bill  
4 provides that a civil penalty is an alternative to a criminal  
5 penalty. The bill provides that a person who knowingly fails  
6 to register a tank or makes a false statement, representation,  
7 or certification in a record, report, or other document filed  
8 or required to be maintained, or violates an order issued by  
9 the state fire marshal, is guilty of an aggravated  
10 misdemeanor. The bill provides that the attorney general, at  
11 the request of the state fire marshal, shall institute any  
12 legal proceedings, including an action for an injunction,  
13 necessary to enforce penalty provisions or to obtain  
14 compliance.

15 The bill provides that a liquefied petroleum gas storage  
16 tank registration fund is created as a separate fund in the  
17 state treasury under the control of the department of public  
18 safety, division of fire protection. The bill provides that  
19 moneys credited to the fund shall be administered by the  
20 department of public safety and expended by the division of  
21 fire protection for the purposes of administering the  
22 provisions of the bill, including the employment of personnel.

23 The bill directs the Code editor to organize the provisions  
24 of this bill as a separate division of Code chapter 101.

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Chair: Drake  
Ford Quirk  
Hutter Tomenga

Succ  
SF/HF 751

HSB 29  
STATE GOVERNMENT

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON ELGIN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the regulation of liquefied petroleum gas  
2 storage tanks, making an appropriation, and providing  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 101.41 DEFINITIONS.

2 As used in this division, unless the context otherwise  
3 requires:

4 1. "Liability policy" means an owner's or operator's  
5 policy of liability insurance for a tank site or activities  
6 associated with the tank site, provided as proof of financial  
7 responsibility.

8 2. "Liquefied petroleum gas storage tank" means a tank,  
9 which is used to contain liquefied petroleum gas, and which  
10 has a capacity of more than four thousand gallons in volume.

11 3. "Operator" means a person in control of, or having  
12 responsibility for, the daily operation of a liquefied  
13 petroleum gas storage tank.

14 4. "Owner" means all of the following:

15 a. In the case of a liquefied petroleum gas storage tank  
16 in use on or after July 1, 2005, a person who owns the  
17 liquefied petroleum gas storage tank used for the storage,  
18 use, or dispensing of liquefied petroleum gas.

19 b. In the case of a liquefied petroleum gas storage tank  
20 in use before July 1, 2005, but no longer in use on or after  
21 that date, a person who owned the tank immediately before the  
22 discontinuation of its use.

23 5. "State fire marshal" means the state fire marshal or  
24 the state fire marshal's designee.

25 6. "Tank site" means a liquefied petroleum gas storage  
26 tank or grouping of liquefied petroleum gas storage tanks  
27 within close proximity of each other located within a facility  
28 for the purpose of storing liquefied petroleum gas.

29 Sec. 2. NEW SECTION. 101.42 LIABILITY POLICIES.

30 1. A liability policy shall designate, by explicit  
31 description or by appropriate reference, all tank sites with  
32 respect to which coverage is to be provided and shall insure  
33 the person named in the policy against loss from liability  
34 imposed by law for damages arising out of the ownership,  
35 maintenance, or use of liquefied petroleum gas storage tanks

1 on an insured tank site.

2 2. A liability policy shall state the name and address of  
3 the named insured, the coverage afforded by the policy, the  
4 policy period, and the limits of liability which shall be not  
5 less than one million dollars per incident and two million  
6 dollars in the aggregate, and shall contain an agreement or be  
7 endorsed that insurance is provided in accordance with the  
8 coverage required in this division in respect to bodily injury  
9 and death or property damage, or both, and is subject to all  
10 the provisions of this division.

11 3. Any insurance policy that grants the coverage required  
12 for a liability policy may also grant any lawful coverage in  
13 excess of or in addition to the coverage specified for a  
14 liability policy and such excess or additional coverage shall  
15 not be subject to the provisions of this division. With  
16 respect to an insurance policy that grants such excess or  
17 additional coverage, the term "liability policy" shall apply  
18 only to that part of the coverage which is required by this  
19 division.

20 4. A liability policy may provide for the prorating of the  
21 insurance thereunder with other valid and collectible  
22 insurance. The requirements for a liability policy may be  
23 fulfilled by the policies of one or more insurance carriers  
24 which policies together meet such requirements. Any binder  
25 issued pending the issuance of a liability policy shall be  
26 deemed to fulfill the requirements for such a policy.

27 Sec. 3. NEW SECTION. 101.43 REPORT OF EXISTING AND NEW  
28 TANKS -- REGISTRATION FEE -- STICKER -- PENALTY.

29 1. The owner or operator of a liquefied petroleum gas  
30 storage tank existing on or before July 1, 2005, shall  
31 register the liquefied petroleum gas storage tank by notifying  
32 the state fire marshal in writing by May 1, 2006, of the  
33 existence of each tank. The notice shall also specify the  
34 age, manufacturer's serial number, size, type, location, and  
35 uses of the liquefied petroleum gas storage tank and shall be

1 in a form specified by the state fire marshal.

2 2. An owner or operator who brings into use a liquefied  
3 petroleum gas storage tank after July 1, 2005, shall register  
4 the liquefied petroleum gas storage tank by notifying the  
5 state fire marshal in writing within thirty days of the  
6 existence of the tank. The notice shall also specify the age,  
7 manufacturer's serial number, size, type, location, and uses  
8 of the liquefied petroleum gas storage tank and shall be in a  
9 form specified by the state fire marshal.

10 3. The registration notice provided by an owner or  
11 operator to the state fire marshal under subsection 1 or 2  
12 shall be accompanied by a fee of twenty-five dollars for each  
13 liquefied petroleum gas storage tank included in the notice  
14 and the owner or operator shall furnish proof of financial  
15 responsibility for the period of registration as provided in  
16 section 101.44. The registration of all liquefied petroleum  
17 gas storage tanks registered under subsection 1 or 2 shall be  
18 renewed on an annual basis. All moneys collected pursuant to  
19 this subsection shall be retained by the department of public  
20 safety, shall be deposited in the liquefied petroleum gas  
21 storage tank registration fund established in section 101.50,  
22 and are appropriated for the use of the state fire marshal in  
23 performance of the duties set forth in this division. An  
24 annual registration renewal fee of twenty-five dollars for  
25 each liquefied petroleum gas storage tank applies to all  
26 owners or operators who filed a registration notice with the  
27 state fire marshal pursuant to subsection 1 or 2.

28 4. A person who sells or constructs a tank intended to be  
29 used as a liquefied petroleum gas storage tank shall notify  
30 the purchaser of the tank in writing of the registration and  
31 notification requirements of this section applicable to the  
32 purchaser.

33 5. It is unlawful to make, cause to be made, or receive a  
34 deposit of liquefied petroleum gas in a liquefied petroleum  
35 gas storage tank which has not been registered pursuant to

1 subsection 1 or 2. A person shall not deposit liquefied  
2 petroleum gas in a liquefied petroleum gas tank after  
3 receiving notice from the state fire marshal that the storage  
4 tank is not covered by financial responsibility in accordance  
5 with section 101.44.

6 6. The state fire marshal shall furnish the owner or  
7 operator of a liquefied petroleum gas storage tank with a  
8 numbered registration sticker for each liquefied petroleum gas  
9 storage tank registered with the state fire marshal. The  
10 owner or operator shall affix the sticker next to or in close  
11 proximity to the float or rotary gauge of each registered  
12 liquefied petroleum gas storage tank.

13 7. It is the tank owner's or tank operator's duty to  
14 comply with registration requirements. A late registration  
15 penalty of fifty dollars is imposed in addition to the  
16 registration fee for a tank registered after the required  
17 date. The penalty shall be applicable for each year in which  
18 the tank is operated without registration.

19 8. A liquefied petroleum gas storage tank that is subject  
20 to regulation under or registration with either the federal  
21 department of transportation or state department of  
22 transportation, or both, is exempt from the registration  
23 requirements of this division.

24 Sec. 4. NEW SECTION. 101.44 FINANCIAL RESPONSIBILITY.

25 1. A person required to register a liquefied petroleum gas  
26 storage tank pursuant to section 101.43 shall furnish proof of  
27 financial responsibility for damages occurring after the  
28 effective date of the proof, arising out of the ownership,  
29 maintenance, or use of the liquefied petroleum gas storage  
30 tank.

31 2. Proof of financial responsibility shall be filed with  
32 the state fire marshal in accordance with rules adopted by the  
33 fire marshal pursuant to chapter 17A. Proof of financial  
34 responsibility shall be in the form of a written certificate  
35 of any insurance carrier duly authorized to do business in

1 this state certifying that there is in effect a liability  
2 policy for the benefit of the person required to furnish proof  
3 of financial responsibility. The certificate shall give the  
4 effective date of such liability policy, which date shall be  
5 the same as the effective date of the certificate, and shall  
6 designate by explicit description the liquefied petroleum gas  
7 storage tanks and tank sites covered.

8 3. When an insurance carrier has certified a liability  
9 policy under this division, the certified liability policy  
10 shall not be canceled or terminated until at least ten days  
11 after a notice of cancellation or termination of the certified  
12 liability policy is filed in the office of the state fire  
13 marshal, except that a liability policy subsequently procured  
14 and certified with the same or greater coverage shall, on the  
15 effective date of its certification, serve to terminate the  
16 liability policy previously issued.

17 4. Except as otherwise provided in this section, the state  
18 fire marshal shall, upon request, consent to the immediate  
19 cancellation of a liability policy for which a written  
20 certificate has been filed pursuant to this chapter as proof  
21 of financial responsibility in any of the following events:

22 a. In the event of the death of an individual on whose  
23 behalf such proof was filed.

24 b. In the event of transfer of ownership of the liquefied  
25 petroleum gas storage tank or tank site that is insured by the  
26 liability policy, upon substitution of such proof on behalf of  
27 the new owner.

28 5. The state fire marshal shall not consent to the  
29 cancellation of a liability policy in the event an action for  
30 damages based upon a liability covered by such liability  
31 policy is then pending or a judgment upon any such liability  
32 is unsatisfied, or in the event the person who has filed a  
33 written certificate for such liability policy has within one  
34 year immediately preceding such request been involved in an  
35 accident involving a registered liquefied petroleum gas

1 storage tank covered by the liability policy resulting in  
2 injury or damage to the person or property of others. An  
3 affidavit of the person filing the written certificate as to  
4 the nonexistence of such facts, or that the person filing the  
5 written certificate has been released from all of such  
6 person's liability, or has been finally adjudicated not to be  
7 liable, for such injury or damage, shall be sufficient  
8 evidence thereof in the absence of evidence to the contrary in  
9 the records of the state fire marshal.

10 6. A person whose liability policy, when required under  
11 this chapter, has been canceled or terminated shall not  
12 display the person's registration stickers.

13 Sec. 5. NEW SECTION. 101.45 RULES.

14 The state fire marshal shall adopt rules pursuant to  
15 chapter 17A necessary to administer this division. The rules  
16 may provide for fees for inspections completed pursuant to  
17 this division. The fees shall be reasonably related to costs  
18 incurred by the state fire marshal in completing inspections.  
19 Revenue generated from the fees shall be deposited in the  
20 liquefied petroleum gas storage tank registration fund  
21 established in section 101.50.

22 Sec. 6. NEW SECTION. 101.46 STATE FIRE MARSHAL -- DUTIES  
23 AND POWERS.

24 The state fire marshal shall do all of the following:

25 1. Conduct inspections and, when warranted, investigations  
26 in response to complaints received or otherwise as determined  
27 necessary by the state fire marshal. An inspection or  
28 investigation shall be conducted subject to the procedures  
29 provided in subsection 4. For purposes of developing a rule,  
30 maintaining an accurate inventory, or enforcing this division,  
31 the state fire marshal may:

32 a. At reasonable times, enter an establishment or other  
33 place where a liquefied petroleum gas storage tank is located.

34 b. Inspect and obtain samples of liquefied petroleum gas  
35 and conduct monitoring or testing of the tanks, associated

1 equipment, contents, or surrounding soils or air. An  
2 inspection shall be commenced and completed with reasonable  
3 promptness.

4 (1) If the state fire marshal obtains a sample, prior to  
5 leaving the premises the state fire marshal shall give the  
6 owner, operator, or agent in charge a receipt describing the  
7 sample obtained and, if requested, a portion of each sample  
8 equal in volume or weight to the portion retained. If the  
9 state fire marshal causes the sample to be analyzed, a copy of  
10 the results of the analysis shall be furnished promptly to the  
11 owner, operator, or agent in charge.

12 (2) Documents or information obtained from a person  
13 pursuant to this subsection shall be available to the public  
14 except as provided in this subparagraph. Upon a showing  
15 satisfactory to the state fire marshal that public disclosure  
16 of documents or information, or a particular part of the  
17 documents or information to which the state fire marshal has  
18 access under this subsection, would divulge commercial or  
19 financial information entitled to protection as a trade  
20 secret, the state fire marshal shall consider the documents or  
21 information or the particular portion of the documents or  
22 information confidential.

23 2. Maintain an accurate inventory of liquefied petroleum  
24 gas storage tanks. The inventory shall be maintained so that  
25 it is accessible through the internet and searchable by tank  
26 location, owner name, operator name, and any other category  
27 relevant to an inquiry to ascertain whether the tank is  
28 properly registered and eligible to receive liquefied  
29 petroleum gas.

30 3. Take any action allowed by law which, in the judgment  
31 of the state fire marshal, is necessary to enforce or secure  
32 compliance with this division or any rule adopted pursuant to  
33 this division.

34 4. a. Conduct investigations of complaints received  
35 directly or referred by other agencies, and conduct other

1 investigations deemed necessary. While conducting an  
2 investigation, the state fire marshal may enter at any  
3 reasonable time in and upon any private or public property to  
4 investigate any actual or possible violation of this division  
5 or the rules adopted under this division. However, the owner,  
6 operator, or agent in charge shall be notified of such  
7 entrance.

8 b. If the owner, operator, or agent in charge of any  
9 property refuses admittance, or if prior to such refusal the  
10 state fire marshal demonstrates the necessity for a warrant,  
11 the state fire marshal may make application under oath or  
12 affirmation to the district court of the county in which the  
13 property is located for the issuance of a search warrant.

14 c. In the search warrant application the state fire  
15 marshal shall state that an inspection of the premises is  
16 mandated by the laws of this state or that a search of certain  
17 premises, areas, or things designated in the application may  
18 result in evidence tending to reveal the existence of  
19 violations of public health, safety, or welfare requirements  
20 imposed by statutes, rules, or ordinances established by the  
21 state or a political subdivision of the state. The search  
22 warrant application shall describe the area, premises, or  
23 thing to be searched, give the date of the last inspection if  
24 known, give the date and time of the proposed inspection,  
25 declare the need for such inspection, recite that notice of  
26 the desire to make an inspection has been given to affected  
27 persons and that admission was refused if that be the fact,  
28 and state that the inspection has no purpose other than to  
29 carry out the purpose of the statute, rule, or ordinance  
30 pursuant to which inspection is to be made. If an item of  
31 property is sought by the state fire marshal, it shall be  
32 identified in the application.

33 d. If the district court is satisfied from an examination  
34 of the search warrant applicant, of other witnesses, and of  
35 the application allegations regarding the existence of grounds

1 for the application, or that there is probable cause to  
2 believe in their existence, the court may issue a search  
3 warrant.

4 e. In making inspections and searches pursuant to the  
5 authority of this division, the state fire marshal must  
6 execute the warrant as follows:

7 (1) Within ten days after its date of issuance.

8 (2) In a reasonable manner, and any property seized shall  
9 be treated in accordance with the provisions of chapters 808  
10 and 809.

11 (3) Subject to any restrictions imposed by the statute,  
12 rule, or ordinance pursuant to which inspection is made.

13 Sec. 7. NEW SECTION. 101.47 VIOLATIONS -- ORDERS.

14 1. If substantial evidence exists that a person has  
15 violated or is violating a provision of this division or a  
16 rule adopted under this division, the state fire marshal may  
17 issue an order directing the person to cease and desist in the  
18 practice which constitutes the violation and to take  
19 corrective action as necessary to ensure that the violation  
20 will cease. The order may also include an appropriate  
21 administrative penalty pursuant to section 101.48. The person  
22 to whom the order is issued may appeal the order as provided  
23 in chapter 17A and the rules of the department of public  
24 safety and the state fire marshal. On appeal, an order of the  
25 state fire marshal may be affirmed, modified, or vacated.

26 2. However, if it is determined by the state fire marshal  
27 that an emergency exists respecting any matter affecting or  
28 likely to affect the public health, the state fire marshal may  
29 issue any order necessary to terminate the emergency without  
30 notice and without hearing. The order is binding and  
31 effective immediately and until the order is modified or  
32 vacated at an administrative hearing or by a district court.

33 3. The state fire marshal may request the attorney general  
34 to institute legal proceedings pursuant to section 101.48.

35 Sec. 8. NEW SECTION. 101.48 PENALTIES -- BURDEN OF

1 PROOF.

2 1. A person who violates this division or a rule or order  
3 adopted or issued pursuant to this division is subject to a  
4 civil penalty not to exceed one hundred dollars for each day  
5 during which the violation continues, up to a maximum of ten  
6 thousand dollars. However, if a person violates this division  
7 by failing to register a liquefied petroleum gas storage tank  
8 under section 101.43, and if the tank is registered within  
9 thirty days after the state fire marshal issues a cease and  
10 desist order pursuant to section 101.47, subsection 1, the  
11 civil penalty under this section shall not accrue. The civil  
12 penalty is an alternative to a criminal penalty provided under  
13 this section.

14 2. A person who knowingly fails to register under section  
15 101.43 or makes a false statement, representation, or  
16 certification in a record, report, or other document filed or  
17 required to be maintained under this division, or violates an  
18 order issued under this division, is guilty of an aggravated  
19 misdemeanor.

20 3. The attorney general, at the request of the state fire  
21 marshal, shall institute any legal proceeding, including an  
22 action for an injunction, necessary to enforce the penalty  
23 provisions of this division or to obtain compliance with the  
24 provisions of this division or rules adopted or order issued  
25 pursuant to this division. In any action, previous findings  
26 of fact of the state fire marshal after notice and hearing are  
27 conclusive if supported by substantial evidence in the record  
28 when the record is viewed as a whole.

29 4. In all proceedings with respect to an alleged violation  
30 of this division or a rule adopted or order issued by the  
31 state fire marshal pursuant to this division, the burden of  
32 proof is upon the state fire marshal.

33 5. If the attorney general has instituted legal  
34 proceedings in accordance with this section, all related  
35 issues which could otherwise be raised by the alleged violator

1 in a proceeding for judicial review under section 101.49 shall  
2 be raised in the legal proceedings instituted in accordance  
3 with this section.

4 Sec. 9. NEW SECTION. 101.49 JUDICIAL REVIEW.

5 Except as provided in section 101.48, subsection 5,  
6 judicial review of an order or other action of the state fire  
7 marshal pursuant to this division or rule adopted pursuant to  
8 this division may be sought in accordance with chapter 17A.  
9 Notwithstanding chapter 17A, petitions for judicial review may  
10 be filed in the district court of the county in which the  
11 alleged offense was committed or the final order was entered.

12 Sec. 10. NEW SECTION. 101.50 LIQUEFIED PETROLEUM GAS  
13 STORAGE TANK REGISTRATION FUND.

14 1. A liquefied petroleum gas storage tank registration  
15 fund is created as a separate fund in the state treasury under  
16 the control of the department of public safety, division of  
17 fire protection. Interest, fees, and other moneys earned by  
18 the fund shall be deposited in the fund. Moneys credited to  
19 the fund shall be administered by the department of public  
20 safety and expended by the division of fire protection for the  
21 purposes of administering this chapter, including the  
22 employment of personnel.

23 2. Notwithstanding section 8.33, moneys credited to the  
24 fund which remain unobligated or unexpended at the close of  
25 the fiscal year shall not revert to the general fund of the  
26 state.

27 Sec. 11. CODE EDITOR DIRECTIVE. The Code editor shall  
28 organize this Act as a separate division of Code chapter 101.

29 EXPLANATION

30 This bill relates to the regulation of liquefied petroleum  
31 gas storage tanks.

32 The bill requires an owner or operator of a liquefied  
33 petroleum gas storage tank existing on or before July 1, 2005,  
34 to register the tank by notifying the state fire marshal in  
35 writing by May 1, 2006, of the existence of each tank. The

1 bill requires an owner or operator who brings into use a  
2 liquefied petroleum gas storage tank after July 1, 2005, to  
3 register the tank by notifying the state fire marshal in  
4 writing within 30 days of the existence of the tank. The bill  
5 requires a \$25 registration fee for each tank and requires  
6 proof of financial responsibility for the period of  
7 registration to accompany the notice. The bill requires a  
8 renewal of the registration on an annual basis. The bill  
9 provides that all registration fees collected shall be  
10 retained by the department of public safety, deposited in a  
11 liquefied petroleum gas storage tank registration fund, and  
12 appropriated for the use of the state fire marshal in  
13 performance of the duties set forth in the bill.

14 The bill requires a person who sells or constructs a tank  
15 intended to be used as a liquefied petroleum gas storage tank  
16 to notify the purchaser of the tank in writing of the state  
17 fire marshal registration and notification requirements  
18 applicable to the purchaser. The bill provides that it is  
19 unlawful to make, cause to be made, or receive a deposit of  
20 liquefied petroleum gas in a liquefied petroleum gas storage  
21 tank which has not been registered with the state fire  
22 marshal. The bill provides that the state fire marshal shall  
23 furnish the owner or operator of a liquefied petroleum gas  
24 storage tank with a numbered registration sticker for each  
25 liquefied petroleum gas storage tank registered with the state  
26 fire marshal. The bill provides that a late registration  
27 penalty of \$50 is imposed in addition to the registration fee  
28 for a tank registered after the required date. The bill  
29 provides that a liquefied petroleum gas storage tank which is  
30 subject to regulation by or registration with either the  
31 federal department of transportation or state department of  
32 transportation, or both, is exempt from the state fire marshal  
33 registration requirements.

34 The bill requires a person who registers a liquefied  
35 petroleum gas storage tank to furnish proof of financial

1 responsibility for damages occurring after the effective date  
2 of the proof, arising out of the ownership, maintenance, or  
3 use of liquefied petroleum gas storage tanks. The bill  
4 provides the procedure and requirements for furnishing proof  
5 of financial responsibility. The bill provides that when an  
6 insurance carrier has certified a liability policy, the  
7 liability policy shall not be canceled or terminated until at  
8 least 10 days after a notice of cancellation or termination of  
9 the certified liability policy is filed in the office of the  
10 state fire marshal, except that a liability policy  
11 subsequently procured and certified with the same or greater  
12 coverage shall, on the effective date of its certification,  
13 serve to terminate the liability policy previously issued.

14 The bill provides that, except as otherwise provided, the  
15 state fire marshal shall, upon request, consent to the  
16 immediate cancellation of a liability policy as proof of  
17 financial responsibility in the event of the death of an  
18 individual on whose behalf such proof was filed and in the  
19 event of transfer of ownership upon substitution of such proof  
20 on behalf of the new owner. The bill provides that the state  
21 fire marshal shall not consent to the cancellation of a  
22 liability policy in the event an action for damages upon a  
23 liability covered by such proof is then pending or a judgment  
24 upon any such liability is unsatisfied, or in the event the  
25 person who has filed such liability policy has within one year  
26 immediately preceding such request been involved in an  
27 accident involving a registered tank covered by the liability  
28 policy resulting in injury or damage to the person or property  
29 of others. The bill provides that a person whose liability  
30 policy has been canceled or terminated shall not display their  
31 registration stickers.

32 The bill provides that the state fire marshal shall conduct  
33 inspections and, when warranted, investigations in response to  
34 complaints received or otherwise as determined necessary by  
35 the state fire marshal. The bill provides that the state fire

1 marshal may, at reasonable times, enter an establishment or  
2 other place where a liquefied petroleum gas storage tank is  
3 located and inspect and obtain samples of liquefied petroleum  
4 gas and conduct monitoring or testing of the tanks, associated  
5 equipment, contents, or surrounding soils or air. The bill  
6 provides that if the state fire marshal obtains a sample,  
7 prior to leaving the premises the state fire marshal shall  
8 give the owner, operator, or agent in charge a receipt  
9 describing the sample obtained and, if requested, a portion of  
10 each sample equal in volume or weight to the portion retained.  
11 The bill provides that if the state fire marshal causes the  
12 sample to be analyzed, a copy of the results of the analysis  
13 shall be furnished promptly to the owner, operator, or agent  
14 in charge. The bill provides that documents or information  
15 obtained from a person shall be available to the public unless  
16 a showing satisfactory to the state fire marshal that public  
17 disclosure of documents or information, or a particular part  
18 of the documents or information to which the state fire  
19 marshal has access, would divulge commercial or financial  
20 information entitled to protection as a trade secret.

21 The bill requires the state fire marshal to maintain an  
22 accurate inventory of liquefied petroleum gas storage tanks  
23 and to take any action allowed by law which, in the judgment  
24 of the state fire marshal, is necessary to enforce or secure  
25 compliance. The bill requires the state fire marshal to  
26 conduct investigations of complaints received directly or  
27 referred by other agencies, and conduct other investigations  
28 deemed necessary. The bill provides that if the owner,  
29 operator, or agent in charge of any property refuses  
30 admittance, or if prior to such refusal the state fire marshal  
31 demonstrates the necessity for a warrant, the state fire  
32 marshal may make application under oath or affirmation to the  
33 district court of the county in which the property is located  
34 for the issuance of a search warrant.

35 The bill provides that if substantial evidence exists that

1 a person has violated or is violating a provision of this  
2 bill, the state fire marshal may issue an order directing the  
3 person to desist in the practice which constitutes the  
4 violation and to take corrective action as necessary to ensure  
5 that the violation will cease. The bill provides that the  
6 order may also include an appropriate administrative penalty.  
7 The bill provides that the person to whom the order is issued  
8 may appeal the order as provided in Code chapter 17A. The  
9 bill provides that if it is determined by the state fire  
10 marshal that an emergency exists respecting any matter  
11 affecting or likely to affect the public health, the state  
12 fire marshal may issue any order necessary to terminate the  
13 emergency without notice and without hearing. The bill  
14 provides that the state fire marshal may request the attorney  
15 general to institute legal proceedings.

16 The bill provides that a person who violates a provision of  
17 this bill is subject to a civil penalty not to exceed \$100 for  
18 each day during which the violation continues, up to a maximum  
19 of \$10,000. However, if an unregistered tank is registered  
20 within 30 days after the state fire marshal issues a cease and  
21 desist order, the civil penalty shall not accrue. The bill  
22 provides that a civil penalty is an alternative to a criminal  
23 penalty. The bill provides that a person who knowingly fails  
24 to register a tank or makes a false statement, representation,  
25 or certification in a record, report, or other document filed  
26 or required to be maintained, or violates an order issued by  
27 the state fire marshal, is guilty of an aggravated  
28 misdemeanor. The bill provides that the attorney general, at  
29 the request of the state fire marshal, shall institute any  
30 legal proceedings, including an action for an injunction,  
31 necessary to enforce penalty provisions or to obtain  
32 compliance.

33 The bill provides that a liquefied petroleum gas storage  
34 tank registration fund is created as a separate fund in the  
35 state treasury under the control of the department of public

1 safety, division of fire protection. The bill provides that  
2 moneys credited to the fund shall be administered by the  
3 department of public safety and expended by the division of  
4 fire protection for the purposes of administering the  
5 provisions of the bill, including the employment of personnel.

6 The bill directs the Code editor to organize the provisions  
7 of this bill as a separate division of Code chapter 101.

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