

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. _____ Department or Agency Alabama Liquefied Petroleum Gas Board

Rule No. 530-X-2-.05

Rule Title: PROCEDURES FOR REPORTING INCIDENTS

X New _____ Amend X Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

YES

Is there another, less restrictive method of regulation available that could adequately protect the public?

NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

YES

Does the proposed rule have an economic impact?

NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer _____

Date _____

(DATE FILED)
(STAMP)

ALABAMA LIQUEFIED PETROLEUM GAS BOARD

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

530-X-2-.05 "PROCEDURES FOR REPORTING INCIDENTS"

INTENDED ACTION: Repeal & Replace (Adopt)

SUBSTANCE OF PROPOSED ACTION: To repeal regulation 530-X-2-.05 *Procedures for Reporting Incidents* and replace it with new regulation 530-X-2-.05 *Reporting Incidents / Vehicle Accidents / Complaints*. The new regulation better addresses vehicular accidents and complaints while streamlining incident reporting requirements.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held October 8, 2015 at 10:00 a.m., at the AUM Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL 36117.

All interested parties may present their views in writing to the Administrator of the Alabama Liquefied Petroleum Gas Board, P.O. Box 1742, Montgomery, AL 36102-1742, (334-241-8887), or via email at mark.nelson@lpgb.alabama.gov. Individuals may also submit their views at the public hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 8, 2015 at the scheduled Public Hearing

CONTACT PERSON AT AGENCY:

Mark Nelson, Administrator
777 S. Lawrence St., Suite 100
Montgomery, AL 36104
Telephone: 334-241-8887
Fax: 334-240-3255
Email: mark.nelson@lpgb.alabama.gov

Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board

~~**530-X-2-.05 Procedures For Reporting Incidents.** That all persons including all Liquefied Petroleum Permit Holders operating in the State of Alabama under a permit issued by the Liquefied Petroleum Gas Board are directed and required to report to the Board incidents involving LP-gas cargo, vehicles and any complaints related to LP-gas (i.e., defective installations, fires, explosions that occur on a premises where LP-gas systems are installed). The permit holder or his authorized representative charged with the responsibility of giving such notice shall include in that notice the following:~~

~~Customer's name~~

~~Address and phone number~~

~~Date of incident as well as type and condition of property involved~~

~~Dealer's name and address~~

~~A brief description of what occurred~~

~~When system was last serviced~~

~~Description of service performed on system~~

~~(a) Such notice should be given to this Board in writing within five (5) days of the date of the incident or within five (5) days of the discovery thereof with the exception of an explosion or vehicle accident involving LP-gas cargo vehicles which shall be reported to the Board as soon as possible.~~

~~(b) That each permit holder shall issue instructions of his authorized representative charged with the duty of giving such notice, to the end that he shall comply with the provisions of this order. Each such permit holder shall furnish to the Board within 15 days of the date of adoption of this regulation, the names of its representatives charged with the duty of giving such notice.~~

~~(c) Upon receipt of such notice or upon notice in writing of any citizens, the administrator of the Board shall proceed to make a determination as to whether or not LP-gas was or could have been a contributing factor to the incident. If so, the administrator shall authorize an investigation, by his/her staff, in order to determine if LP-gas or LP-gas systems caused the accident.~~

530-X-2-.05 Reporting Incidents / Vehicle Accidents / Complaints

(1) Alabama LP-Gas Board permit holders are directed and required to report to the board the following:

- a. Fires and explosions in structures equipped with an LP-gas system operational at the time of the incident or incidents involving any uncontrolled release of LP-gas must be reported to the Alabama LP-Gas Board. Upon discovery, the permit holder shall report such incidents by telephone communication followed by written communication on a form provided by the board. All information requested must be provided in order that the administrator of the board may determine if further investigation is warranted. The incident scene shall not be disturbed by a permit holder except as directed by emergency or law enforcement responders at the scene or by a representative of the Alabama LP-Gas Board.
- b. Vehicle accidents involving LP-gas cargo tank vehicles must be reported to the Alabama LP-Gas Board. Such accidents shall be reported as soon as possible by

telephone communication followed by written communication on a form provided by the board. All information requested must be provided to assist the administrator of the board in determining necessary action.

- c. Complaints of defective installations or other problems with customer LP-gas systems which the permit holder cannot correct and resolve must be reported to the Alabama LP-Gas Board. In addition to board reporting requirements, the permit holder must also provide the affected customer with the necessary board form to file a complaint with the Alabama LP-Gas Board.
- (2) Complaints must be filed on a form provided by the board. Anonymous complaints will not be accepted or investigated. Complaints related to the following will not be investigated as they are outside the jurisdictional authority of the board:
- a. LP-gas price;
 - b. Contract disputes;
 - c. Billing disputes;
 - d. Refusal of service, delivery, or customer enrollment by LP-gas companies; or
 - e. Alleged installation code violations that no longer exist.