

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Insurance Department		CONTACT PERSON Daniel Bradshaw	TELEPHONE NUMBER 601-359-1074	
ADDRESS PO BOX 79		CITY Jackson	STATE MS	ZIP 39205
EMAIL daniel.bradshaw@mid.ms.gov	SUBMIT DATE 5/15/2019	Name or number of rule(s): Miss. Admin. Code, Title 19, Part 7, Chapter 13: Amendment of NFPA Standards Regarding the Use and Display of Nameplates on Stationary Liquefied Compressed Gas Containers		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This Rule is being promulgated to amend certain National Fire Protection Association standards regarding the use and display of nameplates on stationary liquefied compressed gas containers.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016)

List all rules repealed, amended, or suspended by the proposed rule: Miss. Admin. Code, Title 19, Part 7, Chapter 13: Amendment of NFPA Standards Regarding the Use and Display of Nameplates on Stationary Liquefied Compressed Gas Containers

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: <u>4/11/19</u> Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Daniel Bradshaw, Senior Attorney

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	OFFICIAL FILING STAMP  Accepted for filing by  <u>#24123</u>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Title 19: Department of Insurance

Part 7: State Fire Marshal

Part 7, Chapter 13: Amendment of NFPA Standards Regarding the Use and Display of Nameplates on Stationary Liquefied Compressed Gas Containers

Rule 13.01: Purpose

The purpose of this Regulation is to amend certain National Fire Protection Association (“NFPA”) standards regarding the use and display of nameplates on stationary liquefied compressed gas containers.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.02: Authority

This Regulation is promulgated by the Department of Insurance (“Department”) on behalf of the Liquefied Compressed Gas Board (“Board”) in accordance with Miss. Code Ann. §§ 75-57-105 and 75-57-9 (Rev. 2016), and in accordance with the Mississippi Administrative Procedures Law, Miss. Code Ann. § 25-43-1.101, *et seq.* (Rev. 2018).

Source: Miss. Code Ann. § 25-43-1.101, *et seq.* (Rev. 2018); § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.03: Scope

This Regulation shall apply to all stationary liquefied compressed gas containers.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.04: Amendment of NFPA Standards

NFPA 58 (2017) Section 5.2.8.3 is amended to include the following language:

A stationary container with the water capacity of 1,000 gallons or larger, that does not have a nameplate in accordance with NFPA 58 (2017) Section 5.2.8.3, may remain in service if:

- (1) the Department’s Liquefied Compressed-Gas Division (“LC-Gas Division”) determines that an accurate nameplate replacement can be created and attached to the container, and the LC-Gas Division approves of such replacement and attachment; or

(2) the LC-Gas Division is familiar with the container, has previously inspected and approved the container at its current location, and, at its discretion, issues an official determination letter stating that the container is allowed to remain in service. However, if allowed to remain in service, the container cannot be moved to a different location; otherwise, it must be discontinued from service. The LC-Gas Division official determination letter discussed in this subsection shall remain at the property where the container is located and it shall be produced for inspection to any person upon request.

A stationary container with the water capacity of less than 1,000 gallons, that does not have a nameplate in accordance with NFPA 58 (2017) Section 5.2.8.3, may remain in service only if the LC-Gas Division determines that an accurate nameplate replacement can be created and attached to the container, and the LC-Gas Division approves of such replacement and attachment. Under no other circumstance shall such container remain in service.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.05: Future Application of Amended NFPA Standards

Section numbers, section titles, and chapter titles are subject to change in future versions of the NFPA 58 standards. Therefore, language included herein that amends NFPA 58 (2017) Section 5.2.8.3, shall apply to future versions of the NFPA 58 standards and shall be read as amending the most applicable code section in the version of those standards in order to fulfill the purpose and overall intent of this Regulation.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.06: Violations and Penalties

If a person services, places into service, and/or continues in service a stationary liquefied compressed gas container that is not in compliance with the provisions of this Regulation, such person shall be considered in violation of Miss. Code Ann. §§ 75-57-47, 75-57-107 and 75-57-109 (Rev. 2016), and may be subject to monetary penalties and/or other disciplinary action as determined by the Board.

Source: Miss. Code Ann. § 75-57-47; § 75-57-107; § 75-57-109 (Rev. 2016).

Rule 13.07: Conflicts

If any section or portion of a section of this Regulation conflicts with current and/or future NFPA standards, this Regulation shall govern.

Source: Miss. Code Ann. § 75-57-35 (Rev. 2016).

Rule 13.08: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of this Regulation which can be given effect without the invalid provision or application, and to this end the provisions of this Regulation are declared to be severable.

Source: Miss. Code Ann. § 75-57-1, *et seq.*; § 75-57-101, *et seq.* (Rev. 2016).

Rule 13.09: Effective Date

This Regulation shall become effective thirty (30) days after filing for final adoption with the Office of the Secretary of State.

Source: Miss. Code Ann. § 25-43-3.112; § 25-43-3.113 (Rev. 2018).