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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57
LIQUEFIED PETROLEUM GASES

CHAPTER 57
LIQUEFIED PETROLEUM GASES

Section

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-1. Title.

§ 75-57-1. Title.

This chapter shall be known as the "Liquefied Compressed Gas Equipment Inspection Law of Mississippi."

Sources: Codes, 1942, § 5104-01; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 1; Laws, 1948, ch. 317, § 1.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-2. Transfer of administration of Liquefied Compressed Gas Equipment Inspection Law.

§ 75-57-2. Transfer of administration of Liquefied Compressed Gas Equipment Inspection Law.

The administration of the Liquefied Compressed Gas Equipment Inspection Law of Mississippi ([Sections 75-57-1](#) through [75-57-63](#)) are transferred from the Chairman of the State Tax Commission to the Commissioner of Insurance. All personnel, records, property and equipment allocated to the Chairman of the State Tax Commission exclusively for the administration of the Liquefied Compressed Gas Equipment Inspection Law of Mississippi are hereby transferred to and placed under the supervision and control of the Commissioner of Insurance.

Sources: Laws, 1982, ch. 408, § 1; Laws, 1995, ch. 475, § 11, eff from and after July 1, 1995.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-3. General powers and duties of Commissioner of Insurance.

§ 75-57-3. General powers and duties of Commissioner of Insurance.

The Commissioner of Insurance is vested with the sole and exclusive power and authority and is charged with the duty of administering this chapter, and the State Liquefied Compressed Gas Board shall have the authority to establish and enforce reasonable rules and regulations, not inconsistent with the provisions hereof, for the purpose of carrying out the provisions of this chapter. For the purpose of administering the provisions hereof, the Commissioner of Insurance is empowered to employ such field inspectors as are necessary to the proper discharge of his duties under this chapter. The Commissioner of Insurance and his agents and employees shall have full access, ingress and egress, at all reasonable hours, to any of the premises or buildings where liquefied compressed gases may be received, stored, transported, sold, offered or exposed for sale, manufactured, refined, distilled, compounded or blended. The Commissioner of Insurance and his agents and employees shall have the right to check and inspect any liquefied compressed gas container, system, pump, equipment, tank car, storage tank, or vehicle in which any liquefied compressed gas is present, or it has reason to believe it present, and the Commissioner of Insurance and his agents and employees shall have the authority to take therefrom samples not exceeding one (1) gallon for analysis. The Commissioner of Insurance and his agents and employees shall have full authority to inspect any vehicle, equipment or system where it has reason to believe that the vehicle, equipment or system operates by the use of, or is equipped to operate by the use of, liquefied compressed gases.

Sources: Codes, 1942, § 5104-02; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 2; Laws, 1948, ch. 317, § 2; Laws, 1963, 1st Ex Sess, ch. 24; Laws, 1964, ch. 237, § 1; Laws, 1980, ch. 561, § 26; Laws, 1982, ch. 408, § 2; Laws, 1995, ch. 475, § 12, eff from and after July 1, 1995.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-5. Definitions.

§ 75-57-5. Definitions.

Unless the context otherwise requires, the definitions which follow govern the construction and meanings of the terms used in this chapter:

(a) "Liquefied compressed gas" means both liquefied petroleum gas and anhydrous ammonia when the latter is used exclusively for commercial fertilizer.

(b) "Liquefied petroleum gas" means any material having a vapor pressure not exceeding that allowed for commercial propane, composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or isobutane) and butylene (including isomers).

(c) "Natural gas and compressed natural gas" means any gaseous mixture containing primarily methane.

(d) "Anhydrous ammonia" means the compound formed by the combination of the two (2) gaseous elements, nitrogen and hydrogen, in the proportions of one (1) part of nitrogen to three (3) parts of hydrogen by volume. Anhydrous ammonia is ammonia gas in compressed and liquefied forms. It is not to be confused with aqueous ammonia, which is a solution of ammonia gas in water.

Both liquefied petroleum gas and anhydrous ammonia are gaseous at normal atmospheric temperatures and pressures but are readily liquefiable by the application of moderate pressures.

(e) "Natural gas carburetion system" means any compressed natural gas carburetion system.

(f) "Natural gas fueling system" means an assembly consisting of compressors, containers, piping and other delivery devices for the purpose of compressing natural gas for use as a fuel in a motor vehicle and thereafter storing and/or dispensing the compressed natural gas for such use.

(g) "Installer" means any person who has satisfactorily passed an examination under the supervision of the Commissioner of Insurance testing his knowledge and ability to install or repair properly domestic systems, industrial systems, liquefied petroleum gas carburetion systems, natural gas carburetion systems, bulk plant systems, standby plant systems, anhydrous ammonia systems, or other similar systems and who holds an installer's certificate as provided in this chapter.

(h) "Container" means any vessel, including cylinders, tanks, portable tanks and cargo tanks, used for the transporting or storing of the liquefied compressed gases or compressed natural gas, except containers which are subject to inspection under federal laws or regulations.

(i) "Compressed gas" means any material or mixture having in the container an absolute pressure exceeding forty (40) pounds per square inch absolute at seventy (70) degrees Fahrenheit or, regardless of the pressure, at seventy (70) degrees Fahrenheit, having an absolute pressure exceeding one hundred four (104) pounds per square inch absolute at one hundred thirty (130) degrees Fahrenheit.

(j) "Flammable liquid" means any liquid having a closed cup flash point below one hundred four (104) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch absolute at one hundred (100) degrees Fahrenheit.

(k) "Gas appliance" means any device which utilizes gas to produce light, heat, power, refrigeration or air conditioning.

(l) "System" means an assembly consisting of one or more containers with a means for conveying liquefied compressed gas or compressed natural gas from the container or containers to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quantity, flow, pressure or state (either liquid or vapor). Agricultural implements and commercial installations used in refrigeration plants are excluded where anhydrous ammonia is used.

(m) "Atmospheric pressure container" means any container for the refrigerated storage of liquefied anhydrous ammonia designed for a maximum working pressure of fifteen (15) pounds per square inch gauge or less and having a water capacity in excess of seven hundred thousand (700,000) gallons.

(n) "Distributor" means any person who is engaged in the distribution of liquefied compressed gases, either wholesale or retail. Also included under this definition are "commercial carriers," as identified by the Interstate Commerce Commission, who transport or haul liquefied compressed gases which are to be distributed or sold within this state.

(o) "Person" means any individual, firm, partnership, joint venture, association, corporation, estate, trust or any other group or combination acting as a unit, and includes the plural as well as the singular in number. "Person" shall include husband or wife or both where joint benefits are derived from the operation of a business or activity covered under this chapter. "Person" shall include any state, county, municipality or other agency engaged in a business or activity covered under this chapter.

Sources: Codes, 1942, § 5104-03; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 3; Laws, 1948, ch. 317, § 3; Laws, 1950, ch. 475, § 1; Laws, 1962, ch. 197, § 1; Laws, 1964, ch. 237, § 2; Laws, 1980, ch. 416, § 1; Laws, 1980, ch. 561, § 27; Laws, 1982, ch. 408, § 3; Laws, 1982, ch. 437, § 1; Laws, 1991, ch. 442, § 1; Laws, 1995, ch. 475, § 10, eff from and after July 1, 1995.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-7. Containers.

§ 75-57-7. Containers.

After the effective date of this chapter, all containers and pertinent equipment used, sold, and installed in this state for the storage, dispensing and transportation of liquefied compressed gases for the purposes of providing gas for industrial, commercial, agricultural, and domestic uses shall be designed, constructed,

equipped, manufactured, and installed as specified in this chapter.

Sources: Codes, 1942, § 5104-04; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 4; Laws, 1948, ch. 317, § 4.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-9. Adoption of national codes and standards; modification of standards by State Liquefied Compressed Gas Board; exemptions.

§ 75-57-9. Adoption of national codes and standards; modification of standards by State Liquefied Compressed Gas Board; exemptions.

The codes of the American Society of Mechanical Engineers - Boiler and Pressure Vessel Code - Section II Material Specifications; Section VIII Pressure Vessels; and Section IX Welding and Brazing Qualifications; American Petroleum Institute Standard 620 (American Petroleum Institute Recommended Rules for the Design and Construction of Large Welded Low-pressure Storage Tanks); Standards of the National Fuel Gas Code as published by the National Fire Protection Association, NFPA-54; the Standards for the Storage and Handling of Liquefied Petroleum Gas as published by the National Fire Protection Association, NFPA-58; and other National Fire Protection Association standards applicable to liquefied petroleum gas and compressed gas; and the safety requirements for the storage and handling of anhydrous ammonia as published by the American National Standards Institute, Inc.; as the codes and standards referred to herein as revised, and standards referred to above are hereby adopted by reference as specifications for the purpose of material standards, construction, handling, transportation and installation of all liquefied compressed gas systems and inspection and operation of pressure vessels. Copies of all codes and standards referred to in the foregoing are available for public use and inspection at the office of the Commissioner of Insurance. The State Liquefied Compressed Gas Board is fully authorized and empowered in the exercise of its authority granted under this section to change, delete from or amend from time to time the national code and standards adopted by reference in this section. Any changes, deletions or amendments made to the national codes and codes adopted by reference in this section shall be made in strict compliance with the Mississippi Administrative Procedures Law, [Chapter 43, Title 25](#), Mississippi Code of 1972, and with the approval of the Commissioner of Insurance. The State Liquefied Compressed Gas Board is fully authorized and empowered in the exercise of the authority granted under this section to exempt or grant deviations from the national code and standards adopted by reference in this section with respect to reconditioned or remanufactured railroad tank car pressure vessels designed for and used as stationary storage tanks for agricultural fertilizers.

Sources: Codes, 1942, § 5104-04.5; Laws, 1952, ch. 346, § 1; Laws, 1958, ch. 476, § 1; Laws, 1960, ch. 405, § 1; Laws, 1962, ch. 197, § 2; Laws, 1964, ch. 237, § 3; Laws, 1977, ch. 387; Laws, 1980, ch. 416 § 2; Laws, 1980, ch. 561, § 28; Laws, 1982, ch. 408, § 4; Laws, 1982, ch. 437, § 2; Laws, 1995, ch. 475, § 13; Laws, 2001, ch. 380, § 1, eff from and after July 1, 2001.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-11. Repealed.

§ 75-57-11. Repealed.

Repealed by Laws, 1980, ch. 416, § 16, eff from and after July 1, 1980.

[Codes, 1942, § 5104-05; Laws, 1940, ch. 170; 1942, ch. 244; 1946, ch. 265, § 5; 1948, ch. 317, § 5; 1950, ch. 475, § 2; 1952, ch. 346, § 2; 1960, ch. 405, § 2; 1962, ch. 197, § 3; 1964, ch. 237, § 4]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-13. Regulation of storage of gases in underground storage spaces.

§ 75-57-13. Regulation of storage of gases in underground storage spaces.

It is expressly provided that, subsequent to the issuance of a permit by the Mississippi State Oil and Gas Board permitting the creation of such spaces, compressed air, liquefied compressed gases, refined hydrocarbons, oil or gas, or both, and those liquefied compressed gases known as butane or propane or mixtures thereof, may be stored in artificially formed underground storage spaces where such cavities are dissolved in salt beds. The Oil and Gas Board shall exercise jurisdiction over safety precautions regarding the storage and transmission of the compressed air, liquefied compressed gases, refined hydrocarbons, oil or gas, or both, only while it is underground and in the associated wellhead facilities as prescribed and set out in [Section 53-1-17\(3\)\(p\)](#). The State Liquefied Compressed Gas Board shall be responsible for promulgating and enforcing safety standards beyond the associated wellhead facilities, during transmission above ground and while the compressed air, liquefied compressed gases, refined hydrocarbons, oil and gas is stored above ground.

Sources: Codes, 1942, § 5104-05.5; Laws, 1952, ch. 346, § 3; Laws, 1975, ch. 419, § 2; Laws, 1980, ch. 416, § 3; Laws, 1980, ch. 561, § 29; Laws, 1982, ch. 408, § 5; Laws, 1992, ch. 344 § 10; Laws, 1995, ch. 475, § 14, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-15. Minimum storage facilities within the state required of certain distributors of liquefied petroleum gas; enforcement.

§ 75-57-15. Minimum storage facilities within the state required of certain distributors of liquefied petroleum gas; enforcement.

(1) Before any person, firm or corporation shall enter the liquefied petroleum gas business as a distributor of liquefied petroleum gas, who plans to make retail or wholesale tank truck deliveries to consumer, and before a permit may be granted as required by [Section 75-57-49](#), such person, firm or corporation shall locate, within the State of Mississippi, a propane storage container of not less than fourteen thousand (14,000) water gallons capacity and an aggregate total of propane storage containers of not less than thirty thousand (30,000) water gallons capacity for each such permit granted; and provided further, that nothing herein contained shall be construed to apply to a liquefied petroleum gas distributor operating retail service stations who does not operate a delivery tank truck to ultimate consumer. Storage containers used in connection with industrial, agricultural, manufacturing, processing or commercial enterprises will not necessarily meet the requirements of this section.

(2) All storage facilities shall meet the Insurance Commissioner's approval, and he or she is hereby vested with the sole and exclusive power and authority to administer and enforce the provisions of this section.

(3) Nothing in this section shall affect a permit granted to a person, firm or corporation before July 1, 1991.

Sources: Codes, 1942, § 5104-05.7; Laws, 1960, ch. 166, §§ 1-3; Laws, 1980, ch. 416, § 4; Laws, 1980, ch. 561, § 30; Laws, 1982, ch. 408, § 6; Laws, 1991, ch. 442, § 2, eff from and after July 1, 1991.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-17. Minimum working pressures and wall and head thicknesses.

§ 75-57-17. Minimum working pressures and wall and head thicknesses.

Unless otherwise specified in this chapter, no container shall have a designed working pressure of less than that required for a 100 type. Any container to be charged with a compressed gas which has a vapor pressure at 100 degrees F. of between 151 and 215 pounds per square inch gauge shall not be less than a 200 type. All above-ground containers supplying gases directly to any appliance shall be of the 200 type

except containers used in industrial plants such as gins, sawmills, oil well drilling rigs, etc., but such container shall meet all other requirements of this chapter.

It is expressly provided, however, that on and after the effective date of the law, no container manufactured after this effective date with a working pressure of less than that required for a 200 type container, except refrigerated storage or storage used at refineries, shall be installed or used in this state as a domestic, commercial or industrial stationary container.

Sources: Codes, 1942, § 5104-06; Laws, 1940, ch. 170; Laws, 1942, ch. 244; Laws, 1946, ch. 265, § 6; Laws, 1948, ch. 317, § 6; Laws, 1950, ch. 475, § 3; Laws, 1952, ch. 346, § 4; Laws, 1960, ch. 405, § 3; Laws, 1964, ch. 237, § 5, eff on and after July 1, 1964.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-19 through 75-57-27. Repealed.

§ 75-57-19 through 75-57-27. Repealed.

Repealed by Laws 1980, ch. 416, § 16, eff from and after July 1, 1980.

§ 75-57-19. [Codes, 1942, § 5104-07; Laws, 1942, ch. 244; 1946, ch. 265, § 6; 1948, ch. 317, § 7; 1964, ch. 237, § 6]

§ 75-57-21. [Codes, 1942, § 5104-08; Laws, 1948, ch. 317, § 8; 1950, ch. 475, § 4; 1960, ch. 405, § 4]

§ 75-57-23. [Codes, 1942, § 5104-09; Laws, 1940, ch. 170; 1946, ch. 265, § 8; 1948, ch. 317, § 9; 1952, ch. 346, § 5; 1958, ch. 476, § 2; 1960, ch 405, § 5]

§ 75-57-25. [Codes, 1942, § 5104-10; Laws, 1948, ch. 317, § 10; 1950, ch. 475, § 5; 1952, ch. 346, § 6, 1958, ch. 476, § 3; 1960, ch. 405; 1962, ch. 197, § 4; 1964, ch. 237, § 7]

§ 75-57-27. [Codes, 1942, § 5104-10.1; Laws, 1948, ch. 317, § 10; 1950, ch. 475, § 5; 1952, ch. 346, § 7; 1964, ch. 237, § 8]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-29. Location of anhydrous ammonia bulk storage plants within limits of municipalities; venting of tanks.

§ 75-57-29. Location of anhydrous ammonia bulk storage plants within limits of municipalities; venting of tanks.

Anhydrous ammonia bulk storage plants shall not be installed within the limits of any municipality unless such anhydrous ammonia bulk storage plant is located within an industrial park or an industrial area serviced by a municipal fire department. The installation of any such bulk storage plant within the limits of a municipality the construction of which is begun after February 1, 1989, must be approved by the governing authorities of the municipality by ordinance duly spread upon the minutes of such municipality. No anhydrous ammonia bulk storage plant the construction of which is begun after July 1, 1995, shall be located within two hundred (200) feet from any residence, office, store or other regularly occupied building, except buildings occupied by the operator of the bulk storage plant. No anhydrous ammonia tank shall be erected within two hundred (200) feet from any residence, office, store or other regularly occupied building, except buildings occupied by the operator of the bulk storage plant. Such tanks shall be vented in accordance with the requirements of the Commissioner of Insurance.

Sources: Codes, 1942, § 5104-10.2; Laws, 1948, ch. 317, § 10; Laws, 1950, ch. 475, § 5; Laws, 1952, ch. 346, § 8; Laws, 1980, ch. 416, § 5; Laws, 1980, ch. 561, § 31; Laws, 1982, ch. 408, § 7; Laws, 1989, ch. 302, § 1; Laws, 1995, ch. 475, § 15, eff from and after July 1, 1995.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-31. Removal of anhydrous ammonia storage plants from municipalities; regulation of vehicles transporting anhydrous ammonia; investigation of complaints involving storage facilities and subsequent condemnation proceedings.

§ 75-57-31. Removal of anhydrous ammonia storage plants from municipalities; regulation of vehicles transporting anhydrous ammonia; investigation of complaints involving storage facilities and subsequent condemnation proceedings.

The governing body of any municipality is authorized to require the removal of any anhydrous ammonia storage plant which may be located within its corporate limits, if, after hearing, it is established that such plant is unsafe in any manner. Any aggrieved person may appeal from such decision of the governing body to the circuit court in the county where such municipality is located. The governing authorities of any municipality are also authorized and empowered to regulate and control the operation of vehicles transporting anhydrous ammonia over the streets of such municipality to restrict the operation of such vehicle to such streets as shall be designated by said authorities and to regulate and restrict the parking of such vehicles upon municipal streets.

The State Board of Health is authorized, empowered and directed to investigate any complaints as to anhydrous ammonia storage facilities when such complaints are in the nature of a nuisance, health or property hazard. If, after an investigation and hearing, it is determined that the complaints are well founded, the State Board of Health shall immediately condemn any such storage facility and the owner

or operator thereof shall, within ninety (90) days from date of condemnation, remove such storage facility to a place which will meet the approval of the State Board of Health or immediately empty the storage facility and discontinue its use. When any person fails or refuses to comply with the orders of the State Board of Health, the State Liquefied Compressed Gas Board or Commissioner of Insurance may seek an order of any circuit or chancery court to carry out the orders of the State Board of Health, and the violator shall be assessed all legal expenses, costs of court and all other expenses necessary to effectuate the orders of the State Board of Health.

Sources: Codes, 1942, § 5104-11; Laws, 1948, ch. 317, § 11; Laws, 1980, ch. 416, § 6; Laws, 1980, ch. 561, § 32; Laws, 1982, ch. 408, § 8; Laws, 1982, ch. 437, § 3; Laws, 1995, ch. 475, § 16, eff from and after July 1, 1995.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-33. Installing and charging cylinders.

§ 75-57-33. Installing and charging cylinders.

No cylinder installation shall be made unless the cylinders are designed, fabricated, tested and marked in accordance with the regulations of the United States Department of Transportation or the United States Interstate Commerce Commission, and constructed for a designed pressure of not less than two hundred forty (240) pounds per square inch. Cylinders with a water capacity of less than two hundred fifty (250) pounds shall be charged by weight with liquefied petroleum gas only at bulk storage or cylinder filling plants and not from mobile units such as delivery trucks, except cylinders installed as part of a system burning liquefied petroleum gas or compressed natural gas as a motor fuel or for farming purposes such as in flame cultivators or hot air balloon cylinders. Cylinders with a water capacity of two hundred fifty (250) pounds or larger may be charged at the installation from mobile units, provided they are equipped with a fixed liquid level gauging device and a filling valve, which is designed in accordance with the national standards and codes, in addition to other required or acceptable valves and fittings. Cylinders with a water capacity of two hundred fifty (250) pounds or larger, in addition to having all the necessary valves and fittings, must be installed permanently in accordance with the national standard and codes.

Sources: Codes, 1942, § 5104-13; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 7; Laws, 1948, ch. 317, § 13; Laws, 1952, ch. 346, § 9; Laws, 1980, ch. 416, § 7; Laws, 1991, ch. 442, § 3, eff from and after July 1, 1991.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-35. Applicability of regulations of State Liquefied Compressed Gas Board and of national associations.

§ 75-57-35. Applicability of regulations of State Liquefied Compressed Gas Board and of national associations.

Wherein sections of this chapter do not exceed those requirements of the current published regulations of the National Fire Protection Association applicable to liquefied petroleum gas, the laws and regulations of the State Liquefied Compressed Gas Board shall be followed.

When amendments are made to the liquefied petroleum gas regulations of the National Fire Protection Association, such amendments may be adopted, provided they do not conflict with other sections of this chapter. Should a conflict occur between the National Fire Protection Association regulations or any regulations referred to in this chapter and the liquefied petroleum gas regulations of the State Liquefied Compressed Gas Board, then the State Liquefied Compressed Gas Board's regulation shall govern. The inspection and approval of the inspectors in accordance with this chapter shall be in addition to approvals and listings of Underwriters Laboratories, Inc., American Gas Association or other national testing laboratories. Provided further, that all compressed gas containers covered by this chapter shall be approved by the inspectors provided for herein.

Sources: Codes, 1942, § 5104-14; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 9; Laws, 1948, ch. 317, § 14; Laws, 1980, ch. 416, § 8; Laws, 1980 ch. 561, § 33; Laws, 1982, ch. 408, § 9; Laws, 1995, ch. 475, § 17, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-37. Exempt containers.

§ 75-57-37. Exempt containers.

All containers and pertinent equipment owned or in use by the government of the United States of America are exempt from the provisions of this chapter. Liquefied petroleum gas containers using liquefied petroleum gas as a fuel to propel recreational vehicles, automobiles, trucks and other vehicles, or used as a source of fuel to produce light, heat, power, refrigeration of air conditioning on mobile homes, recreational vehicles, campers, etc., that are in interstate travel, and designed, fabricated, tested and marked in accordance with the regulations of the United States Department of Transportation (DOT) or the United States Interstate Commerce Commission (ICC) and all cylinders with a water capacity of less than two hundred fifty (250) pounds, when used for other than motor fuel purposes in this state, are exempt from inspection.

Sources: Codes, 1942, § 5104-15; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 10; Laws, 1948, ch. 317, § 15; Laws, 1952, ch. 346, § 10; Laws, 1980, ch. 416, § 9, eff from and after July 1, 1980.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-39. Repealed.

§ 75-57-39. Repealed.

Repealed by Laws, 1980, ch. 416, § 16, eff from and after July 1, 1980.

[Codes, 1942, § 5104-16; Laws, 1940, ch. 170; 1946, ch. 265, § 11; 1948, ch. 317, § 16]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-41. Repealed.

§ 75-57-41. Repealed.

Repealed by Laws, 1991, ch. 442, § 7, eff from and after July 1, 1991.

[Codes, 1942, § 5104-17; Laws, 1940, ch. 170; 1946, ch. 265, § 12; 1948, ch. 317, § 17; 1950, ch. 475, § 6; 1952, ch. 346, § 11; 1980, ch. 416, § 10; 1980, ch. 561, § 34; 1982, ch. 408, § 10; 1982, ch. 437, § 4]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-43 and 75-57-45. Repealed.

§ 75-57-43 and 75-57-45. Repealed.

Repealed by Laws, 1980, ch. 416, § 16, eff from and after July 1, 1980.

§ 75-57-43. [Codes, 1942, § 5104-18; Laws, 1940, ch. 170; 1946, ch. 265, § 13; 1948, ch. 317, § 18]

§ 75-57-45. [Codes, 1942, § 5104-19; Laws, 1946, ch. 265, § 14; 1948, ch. 317, § 19; 1952, ch. 346, § 12]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-47. Installation of systems, etc.; inspection; correction of installations, etc.; certificates and permits; remedies for violations.

§ 75-57-47. Installation of systems, etc.; inspection; correction of installations, etc.; certificates and permits; remedies for violations.

(1) From and after the effective date of this chapter, any installer or other person who shall install, connect, alter, extend, change or repair any liquefied compressed gas or compressed natural gas system, container or appliance whatsoever, or who shall install, connect, change, extend, alter or repair any piping or fitting connected with or attached to any liquefied compressed gas or compressed natural gas container, system or appliance shall, within fifteen (15) days after the completion thereof, give notice to the State Liquefied Compressed Gas Board, in writing, on forms to be provided by the State Liquefied Compressed Gas Board, that such installation, connection, alteration, extension, change or repair has been made, which notice shall give full details with reference thereto, and shall give the name of the person at whose order same was made, and the name of the installer, as provided in this chapter, under whose supervision the installation, alteration, etc., was made and the address of the premises upon which same was made. Any person who shall install, connect, alter, extend, change or repair any liquefied compressed gas or compressed natural gas system, container or appliance, or any piping or fitting connected or attached thereto, without giving notice to the State Liquefied Compressed Gas Board as provided herein shall be subject to the sanctions set out in this chapter.

(2) Upon receiving notice of any installation of a liquefied compressed gas system or natural gas fueling system other than a liquefied petroleum gas carburetion system, it shall be at the discretion of the Commissioner of Insurance to cause same to be inspected, and if he or she approves same after such inspection, he or she shall leave upon such premises a written certificate of approval. Upon receiving notice of any connection, alteration, extension, change or repair to any system required to be inspected at the time of installation under the provisions of this subsection, the Commissioner of Insurance may cause the system to be inspected if he or she believes that sufficient change or repair has been made so as to alter the system from its original installation.

If, after such inspection, the inspector finds that the installation or repair has not been properly made, he or she shall report such fact to the distributor or installer making the installation and request that corrections be made within seventy-two (72) hours after the time of such inspection, if the defects are such that can be corrected without the necessity of condemning the entire system. Any distributor or installer who fails or refuses to make the corrections after requested so to do by the inspector, after a

hearing before the State Liquefied Compressed Gas Board, may have his authority or certificate of compliance suspended or revoked.

Installers, as defined in this chapter, are hereby authorized to issue temporary certificates of approval for use before inspection by the Commissioner of Insurance, but no certificate issued by an installer shall be valid for a period longer than one hundred twenty (120) days from date of completion or alteration, repair or installation covered by said certificate. The provisions of this paragraph shall not relieve the dealer, or other person, from the liability of having such installation inspected by the Commissioner of Insurance, as provided in this chapter.

All certificates of approval and permits issued by liquefied gas inspectors under the terms of this section shall be executed in duplicate, and the copy thereof shall be filed and preserved in the office of the State Liquefied Compressed Gas Board for not less than three (3) years from the date thereof.

(3) All liquefied petroleum gas carburetion systems and natural gas carburetion systems shall be installed by an installer, or automobile manufacturer, or be inspected by a representative of the State Liquefied Compressed Gas Board or Commissioner of Insurance when not installed by such qualified installer or manufacturer.

All liquefied petroleum or natural gas carburetion systems installed on vehicles, including school buses, used in public transportation shall be inspected by a field inspector. The State Liquefied Compressed Gas Board may cause to be inspected any installations of liquefied petroleum gas or natural gas carburetion systems on any other type vehicles as they deem necessary. All such installations shall comply with the rules and regulations promulgated by the State Liquefied Compressed Gas Board.

No person may, for a fee, install liquefied petroleum or natural gas carburetion systems unless such person holds a license as an installer issued by the State Liquefied Compressed Gas Board.

Any person who operates a vehicle on which a liquefied petroleum or natural gas carburetion system has been installed by a person other than an installer shall apply to the State Liquefied Compressed Gas Board for inspection of such installation within fifteen (15) days of such installation. No distributor of liquefied petroleum or natural gas, or any other person, shall fill or cause to be filled any such system which has not been inspected as required by this chapter.

Any person who violates any of the provisions of this subsection shall be subject to the penalties provided in this chapter.

(4) No distributor of liquefied compressed gas, or other person, shall fill, cause to be filled, or permit to be filled, any container or system unless the installation, alteration, extension, connection, change and repair thereof, and of all appliances connected and used therewith, and of all pipings and fittings connected or attached thereto, shall have first been inspected and approved by an inspector of the State Liquefied Compressed Gas Board or Commissioner of Insurance or installed or altered by an installer as described in this chapter, and unless there is exhibited to such distributor or other person the approval of the inspector or installer provided for in the foregoing paragraphs; nor shall any person turn on or use such systems, containers, appliances, piping or fittings until same have been so inspected and approved, and such approval is exhibited to him. Any person who shall violate the provisions of this subsection, after a duly called hearing before the State Liquefied Compressed Gas Board, may have his license suspended or revoked.

(5) Any liquefied compressed gas dealer, or other person, may apply to the State Liquefied Compressed Gas Board, for permission to take an examination to qualify as an installer, as defined under the provisions of this chapter. The State Liquefied Compressed Gas Board shall prepare an examination

which is sufficient to test the knowledge of the applicant as to his qualifications for installing, repairing, altering, etc., equipment used in the handling of liquefied compressed gases and of his knowledge of the handling and storage of such gases. If, after examination, the applicant is found to be competent and to possess sufficient qualifications, the State Liquefied Compressed Gas Board shall issue to such applicant a license or certificate which shall designate the system or systems which the applicant is qualified to install. The State Liquefied Compressed Gas Board shall have the authority to establish different classes of installers. Should the holder of any such certificate perform his duties in an unworkmanlike manner or be guilty of negligence, carelessness, drunkenness on duty, or other good cause, then the State Liquefied Compressed Gas Board may cancel the certificate, good cause being shown; however, before the State Liquefied Compressed Gas Board shall cancel any such certificate it shall give the holder thereof five (5) days' written notice of its intention so to do, and shall grant to the person holding such certificate an opportunity to be heard before the State Liquefied Compressed Gas Board at such time and place as shall be fixed in such notice, to show cause, if any he or she can, why the license or certificate should not be suspended or revoked. Upon application to the State Liquefied Compressed Gas Board, and upon reexamination of the applicant by the State Liquefied Compressed Gas Board, a new certificate may be issued, but no such renewal certificate shall be issued within sixty (60) days of the cancellation of the original certificate. The State Liquefied Compressed Gas Board shall have authority to conduct any type examination of applicants desiring renewal certificates which will, in its opinion, test applicant's qualifications for the issuance of a renewal certificate. Any installer's certificates heretofore issued and outstanding shall be valid until suspended or revoked.

(6) Any dealer or installer who shall alter or change any system, or bulk storage plant system, or who shall substitute or change any such fitting, after said system has been approved by an inspector of the Commissioner of Insurance, without first obtaining the permission of such an inspector so to do, may be enjoined from continuing in the business of a dealer or installer, as defined in this chapter, in the State of Mississippi for a period of not less than one (1) year, and any judge or chancellor authorized to grant injunctions may grant and issue the injunction herein authorized, but no such injunction shall be issued except upon notice of not less than five (5) days to the dealer or installer sought to be enjoined. It is expressly provided, however, that nothing herein shall prevent a dealer or an installer from making additional installations to any such system, provided that proper notice thereof is given to the Commissioner of Insurance on forms provided by him or her in the same manner as such notice is required to be given in cases of installations, repairs and alterations; nor shall anything herein prevent a dealer or an installer from making emergency repairs to any system or fitting when such repairs are made necessary by a mechanical defect, breakdown or injury to such system or fitting, but in the event of such emergency repairs, the dealer or installer making same shall, within fifteen (15) days after making such repairs, give the Commissioner of Insurance notice of the details and facts thereof in writing.

Sources: Codes, 1942, § 5104-20; Laws, 1946, ch. 265, § 15; Laws, 1948, ch. 317, § 20; Laws, 1950, ch. 475, § 7; Laws, 1980, ch. 416, § 11; Laws, 1980, ch. 561, § 35; Laws, 1982, ch. 408, § 11; Laws, 1982, ch. 437, § 5; Laws, 1991, ch. 442, § 4; Laws, 1995, ch. 475, § 18, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-49. Financial responsibility requirements; issuance and duration of

permits.

§ 75-57-49. Financial responsibility requirements; issuance and duration of permits.

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 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		Aggregate
	Occasion		
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:

	Each Person	Each Accident	Damage Each Accident
Automobile public liability	\$500,000	\$1,000,000	\$1,000,000
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	

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

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 such policy.

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 said 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 such surety bond, any such person may execute and file a good and sufficient personal bond in the amount and conditioned as specified above, which said personal bond shall be secured by bonds or other obligations of the State of Mississippi or the United States Government, of equal value.

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.

Sources: Codes, 1942, § 5104-21; Laws, 1940, ch. 170, 1942, ch. 244; Laws, 1946, ch. 265, § 16; Laws, 1948, ch. 317, § 21; Laws, 1950, ch. 475, § 8; Laws, 1952, ch. 346, § 13; Laws, 1960, ch. 405, § 7; Laws, 1980, ch. 416, § 12; Laws, 1980, ch. 561, § 36; Laws, 1982, ch. 408, § 12; Laws, 1982, ch. 437, § 6; Laws, 1991, ch. 442, § 5; Laws, 1995, ch. 475, § 19, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-51. Repealed.

§ 75-57-51. Repealed.

Repealed by Laws, 1991, ch. 442 § 8, eff from and after July 1, 1991.

[Codes, 1942, § 5104-22; Laws, 1940, ch. 170; 1942, ch. 244; 1946, ch. 265, § 17; 1948, ch. 317, § 22; 1964, ch. 237, § 9; 1980, ch. 416, § 13; 1980, ch. 561, § 37]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-53. Repealed.

§ 75-57-53. Repealed.

Repealed by Laws, 1991, ch. 442, § 9, eff from and after July 1, 1991.

[Codes, 1942, § 5104-23; Laws, 1948, ch. 317, § 23; 1950, ch. 488, § 1; 1952, ch. 346, § 14; 1960, ch. 405, § 8; 1964, ch. 237, § 10; 1966, ch. 566, § 1; 1968, ch. 532, § 1; 1980, ch. 561, § 38; 1982, ch. 408, § 13; 1984, ch. 488, § 279]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-55. Repealed.

§ 75-57-55. Repealed.

Repealed by Laws, 1995, ch. 475, § 23, eff from and after July 1, 1995.

[Codes, 1942, § 5104-24; Laws, 1940, ch. 170; 1946, ch. 265, § 18; 1948, ch. 317, § 24; 1980, ch. 416, § 14; 1991, ch. 442, § 6]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-57. Sanctions and remedies for failure to obtain permit.

§ 75-57-57. Sanctions and remedies for failure to obtain permit.

Any person, firm or corporation operating or engaging in the business of selling or installing liquefied compressed gas containers or systems, or in the business of selling or distributing liquefied compressed gas or appliances without first having secured a permit from the State Liquefied Compressed Gas Board as provided by this chapter, or any person, firm or corporation who shall be convicted for a second or subsequent offense of willfully violating any of the provisions of this chapter, may be enjoined from engaging in the business as a distributor of liquefied compressed gas or appliances, either wholesale or retail, or in the business of selling or installing liquefied compressed gas containers, appliances or

systems in the State of Mississippi for a period of not less than one (1) year, nor more than five (5) years. Any judge or chancellor in this state, authorized to grant injunctions, may grant an injunction as authorized by this section, provided that no such injunction shall be granted unless proper notice as required by law shall have first been given to such person, firm or corporation.

Sources: Codes, 1942, § 5104-25; Laws, 1940, ch. 170; Laws, 1946, ch. 265, § 19; Laws, 1948, ch. 317, § 25; Laws, 1980, chs. 416, § 15; 561, § 39; Laws, 1982, ch. 408, § 14; Laws, 1995, ch. 475, § 20, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-59. Repealed.

§ 75-57-59. Repealed.

Repealed by Laws, 1982, ch. 437, § 8, eff from and after April 5, 1982.

[Codes, 1942, § 5104-26; Laws, 1948, ch. 317, § 26]

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-61. Minimum storage requirements and facilities for nonresident distributors.

§ 75-57-61. Minimum storage requirements and facilities for nonresident distributors.

(1) Whenever the existing or future laws, rules or regulations of any other state of the United States shall require minimum storage facilities, of any type, character or kind, whether fixed or permanent, in connection with the distribution of liquefied compressed gas at retail, of a resident of this state, then in every such case where the residents engaging in the distribution of liquefied petroleum gas at retail of such state desire to engage in or continue to do business in this state, under permit as required by [Section 75-57-49](#), the nonresident distributor of liquefied petroleum gas at retail shall be required to establish within the State of Mississippi the same minimum storage requirements and facilities imposed by the laws, rules or regulations of such state upon residents of this state.

(2) This section shall be enforced by the State Liquefied Compressed Gas Board and all such storage

facilities required to be established within the State of Mississippi shall meet the approval of the State Liquefied Compressed Gas Board.

Sources: Codes, 1942, § 5104-31; Laws, 1956, ch. 388, §§ 1, 2; Laws, 1980, ch. 561, § 40; Laws, 1982, ch. 408, § 15; Laws, 1995, ch. 475, § 21, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-63. Unlawful trust and combine; impeding competition or monopolizing sales of liquefied petroleum gases or liquefied petroleum gas appliances.

§ 75-57-63. Unlawful trust and combine; impeding competition or monopolizing sales of liquefied petroleum gases or liquefied petroleum gas appliances.

Any corporation, domestic or foreign, or any individual, partnership or association of persons whatsoever who with intent to engross or forestall or impede the competitive sale of or monopolize the sale of liquefied petroleum gases or liquefied petroleum gas consumer appliances in the State of Mississippi or in any community in the State of Mississippi, or, without such intent, either directly or indirectly accomplishes such result to a degree inimical to public welfare by purchasing or offering to purchase the equipment or installation of any consumer and obtaining the exclusive right to serve or make sales to said consumer, shall be deemed and held a trust and combine within the meaning and purpose of [Section 75-21-3, Chapter 21, Title 75](#), Mississippi Code of 1972, and shall be liable to the pains, penalties, fines, forfeitures, judgments and recoveries denounced against trusts and combines and shall be proceeded against in the manner and form provided as in the case of other trusts and combines under the terms of said Chapter 21 of Title 75.

Sources: Codes, 1942, § 5104-41; Laws, 1964, ch. 300, eff from and after passage (approved April 9, 1964).

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-101. Creation of State Liquefied Compressed Gas Board; composition; general powers and duties; appointment, terms, compensation and removal of members; officers.

§ 75-57-101. Creation of State Liquefied Compressed Gas Board; composition; general powers and duties; appointment, terms, compensation and removal of members; officers.

(1) The State Liquefied Compressed Gas Board is hereby created and is vested with the power to regulate matters pertaining to liquefied compressed gas. All regulations by and actions of the board are subject to the approval of the commissioner. The board shall not exercise administrative and enforcement duties. The Commissioner of Insurance shall retain all administrative and enforcement duties related to liquefied compressed gas. The board is established within the Department of Insurance and shall consist of seven (7) members appointed by the Commissioner of Insurance as follows:

(a) Five (5) members, one (1) from each of the congressional districts, to be selected from a list of at least ten (10) individuals who are in the liquefied compressed gas industry doing business in the State of Mississippi; the list shall be submitted, within ten (10) days of the effective date of this act [Laws, 1995, ch. 475, effective July 1, 1995], by licensed liquefied compressed gas distributors doing business in the state.

(b) Two (2) members from the state at large who have a rational relationship to the liquefied compressed gas industry.

(c) At least four (4) members of the board must be dealers who sell less than two million five hundred thousand (2,500,000) gallons of propane per year.

(d) No two (2) members may be selected from the same company.

(2) (a) The initial appointments to the board from the congressional districts shall be made as follows: One (1) member of the board shall be appointed for a term ending on June 30, 1996; one (1) for a term ending on June 30, 1997; one (1) for a term ending on June 30, 1998; one (1) for a term ending on June 30, 1999; and one (1) for a term ending June 30, 2000. After the expiration of such initial terms, all subsequent appointments shall be made in the same manner as the original appointments were made for terms of five (5) years.

(b) The two (2) members from the state at large shall serve for terms concurrent with the term of the Commissioner of Insurance.

(c) An appointment to fill a vacancy, other than by expiration of a term of office, shall be made by the Commissioner of Insurance for the balance of the unexpired term.

(3) There shall be a chairman of the board elected by and from the membership of the board.

(4) Board members shall receive per diem compensation according to [Section 25-3-69](#). The board members shall not be compensated for more than twelve (12) meetings per year held at a site within the state selected by the board. Any member who fails to attend three (3) consecutive called meetings of the board may be removed by the Commissioner of Insurance.

Sources: Laws, 1995, ch. 475, § 1, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-103. Employment of executive director and staff by Commissioner of Insurance.

§ 75-57-103. Employment of executive director and staff by Commissioner of Insurance.

For the purpose of administering and enforcing the provisions of this chapter, the Commissioner of Insurance is empowered to employ an executive director and staff, within the Department of Insurance, as state service employees under the purview of the State Personnel Board's rules and regulations.

Sources: Laws, 1995, ch. 475, § 2, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-105. Promulgation and enforcement of regulations by board; conduct of hearings by board.

§ 75-57-105. Promulgation and enforcement of regulations by board; conduct of hearings by board.

(1) The board shall promulgate and enforce regulations 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.

Sources: Laws, 1995, ch. 475, § 3, eff from and after July 1, 1995.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-107. Authority of board to impose penalties and take other disciplinary actions.

§ 75-57-107. Authority of board to impose penalties and take other disciplinary actions.

The board is authorized to impose monetary penalties and take such other disciplinary actions as authorized by this chapter.

Any person found by the board in violation of this chapter or any regulations promulgated by the board shall be subject to the following civil penalties:

- (a) For a first offense, a penalty not to exceed One Thousand Dollars (\$1,000.00);
- (b) For a second offense, a penalty not to exceed Three Thousand Dollars (\$3,000.00); and
- (c) For a third or subsequent offense, a penalty not to exceed Five Thousand Dollars (\$5,000.00).

Any person who violates or remains in violation of the provisions hereof may be directed by written notice from the board, stating the facts of such violation, to correct the violation. The notice may be served personally or by U.S. Mail with return receipt requested to the principal office or the person or to their residence.

Sources: Laws, 1995, ch. 475, § 4, eff from and after July 1, 1995.

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Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-109. Establishment of system of permits for those engaged in the liquefied compressed gas business; issuance and revocation of permits; establishment of bonding, insurance and training requirements for permit holders.

§ 75-57-109. Establishment of system of permits for those engaged in the liquefied compressed gas business; issuance and revocation of permits; establishment of bonding, insurance and training requirements for permit holders.

(1) The board may establish by regulation a system of permits for those engaged in the liquefied compressed gas business in the state. If adopted, and approved by the Commissioner of Insurance, no one may engage in the liquefied compressed gas business without first having obtained a permit from the board. No person shall be denied a permit if he or she meets the requirements of state law.

(2) The board may revoke a liquefied compressed gas permit for willful violation of this chapter or the

regulations or for failure to comply with the chapter or regulations. The revocation may be made only after written notice to the affected party, an opportunity to respond in writing to the charges and a hearing before the board under the provisions of the Administrative Procedures Act. The revocation shall be subject to the approval of the Commissioner of Insurance.

(3) The board may establish reasonable bonding, insurance limits and personnel training qualifications for permit holders. These requirements are subject to approval of the Commissioner of Insurance.

Sources: Laws, 1995, ch. 475, § 5, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-111. Consistency of state and federal regulations.

§ 75-57-111. Consistency of state and federal regulations.

In order to increase compliance and to reduce the burden of regulation, the board shall seek consistency between its regulations and those regulations adopted by the departments and agencies of the United States Government.

Sources: Laws, 1995, ch. 475, § 6, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-113. Regulation of price, allocation of markets or terms and conditions of service.

§ 75-57-113. Regulation of price, allocation of markets or terms and conditions of service.

No regulations may be issued affecting the price or allocation of liquefied compressed gas, allocation of markets between liquefied compressed gas suppliers or the terms and conditions of providing liquefied compressed gas service.

Sources: Laws, 1995, ch. 475, § 7, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-115. Calibration of metering equipment in delivery vehicles used in dispensing liquefied compressed gas.

§ 75-57-115. Calibration of metering equipment in delivery vehicles used in dispensing liquefied compressed gas.

The board shall require that metering equipment in delivery vehicles used in dispensing of liquefied compressed gas shall be calibrated to an accuracy of a plus or minus tolerance of two percent (2%) at least once a year. This requirement shall not apply to delivery vehicles used in dispensing anhydrous ammonia. All retail stationary dispensing equipment with dispensing capabilities of less than fifty (50) gallons per minute shall be calibrated to an accuracy of a plus or minus tolerance of two percent (2%) every two (2) years. Certificates showing such calibration shall be kept at the dealer's place of business and shall be presented upon demand of the Commissioner of Insurance for inspection by the board. This section shall not apply to anhydrous ammonia dispensing equipment.

Sources: Laws, 1995, ch. 475, § 8, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-117. Judicial review.

§ 75-57-117. Judicial review.

- (1) Any individual aggrieved by a final decision of the board shall be entitled to judicial review.
- (2) Any appeal from the board's decision shall be filed in the circuit court of the county where the board has its office. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in circuit court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings before the board, and the filing of a bond in the sum of Five Hundred Dollars (\$500.00) conditioned that if the action of the board be affirmed by the circuit court, the aggrieved party shall pay the costs of the appeal to the circuit court.
- (3) The scope of review of the circuit court in such cases shall be limited to a review of the record made before the board to determine if the action of the board is unlawful for the reason that it was:

- (a) Not supported by any substantial evidence;
 - (b) Arbitrary or capricious; or
 - (c) In violation of some statutory or constitutional right of the individual.
- (4) No relief shall be granted based upon the court's finding of harmless error by the board in complying with the procedural requirements of this chapter. If there is a finding of prejudicial error in the proceedings, the cause may be remanded for a rehearing consistent with the findings of the court.
- (5) Any party aggrieved by action of the circuit court may appeal in the manner provided by law.

Sources: Laws, 1995, ch. 475, § 9, eff from and after July 1, 1995.

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Source:

Mississippi Code/TITLE 75 REGULATION OF TRADE, COMMERCE AND INVESTMENTS/CHAPTER 57 LIQUEFIED PETROLEUM GASES/§ 75-57-119. Propane education and research program; establishment of fund; imposition of assessment; refunds; liability; promulgation of rules and regulations; use of funds collected; implementation upon affirmative election; notification requirements.

§ 75-57-119. Propane education and research program; establishment of fund; imposition of assessment; refunds; liability; promulgation of rules and regulations; use of funds collected; implementation upon affirmative election; notification requirements.

(1) There is established a propane education and research program to be administered by the Department of Insurance through the State Liquefied Compressed Gas Board, created in [Section 75-57-101](#), Mississippi Code of 1972, for the purpose of promoting the growth and development of the propane industry in Mississippi.

(2) There is created in the State Treasury a special fund to be designated as the "Mississippi Propane Education and Research Fund."

(3) (a) There is imposed and levied an assessment of One-tenth Cent ($1/10$,) per gallon on compressed gas except for compressed natural gas or liquified natural gas. The assessment may be increased by not more than One-tenth Cent ($1/10$,) per gallon per year and the total assessment shall not exceed One-half Cent ($1/2$,) per gallon.

(b) The assessment shall accrue at the same time and in the same manner as the tax levied on compressed gas under the provisions of [Section 27-59-11\(1\)](#), Mississippi Code of 1972. On or before the fifteenth day of each month the funds collected by the State Tax Commission during the previous month, less three and one-half percent (3-1/2%) of the gross amount collected, shall be deposited into the special fund created in subsection (2) of this section. The State Tax Commission may retain three and one-half percent (3-1/2%) of the funds collected under this act as administrative fees.

(c) Disbursements from the special fund created in subsection (2) of this section shall be made upon warrants issued by the State Fiscal Officer upon requisitions signed by the Commissioner of Insurance, or his designee, in the manner provided by law. Any interest earned by investing the proceeds in such special fund shall be credited to such special fund and shall not be deposited in the State General Fund. The State Fiscal Officer may issue warrants for the payment of monies from the special fund, upon requisition by the Commissioner of Insurance, or his designee, for refunds to dealers as provided in subsection (4) of this section.

(4) Any propane dealer may request and receive a refund of the amount of assessment remitted from the sale of propane if he makes a written application with the Department of Insurance by the end of each quarter in which the sales were made, supported by bona fide copies of tax reports. The application forms shall be prepared by the Department of Insurance and shall be available to all retailers. All such applications shall be processed and refunds paid by the Department of Insurance within sixty (60) days after the funds have been received by the department.

(5) At the end of each quarter, the Department of Insurance shall make available to the State Liquefied Compressed Gas Board all unencumbered funds collected under the provisions of this act. The Department of Insurance may retain an amount not to exceed three and one-half percent (3-1/2%) of the funds collected under the provisions of this act as administrative fees.

(6) (a) Any person liable for the assessment shall be subject to the same requirements and penalties set forth for distributors under the provisions of [Section 27-59-1](#) et seq., Mississippi Code of 1972.

(b) The State Tax Commission is hereby authorized and empowered to promulgate all rules and regulations necessary for the collection of the assessment.

(7) The State Liquefied Compressed Gas Board shall establish, with the approval of the Commissioner of Insurance, rules and regulations necessary to carry out the provisions of this act.

(8) The State Liquefied Compressed Gas Board may expend the proceeds collected under this act only on research and development of more cost effective uses of propane and on educational programs, safety programs and market development of propane.

(9) This act shall not be implemented until such time as the State Liquefied Compressed Gas Board conducts an election by all licensed propane dealers in this state. Each license holder shall have one (1) vote in such election. A ballot shall be sent to each license holder by certified mail. A majority of those ballots returned within thirty (30) days after the ballots are received by the propane dealers must be in the affirmative before this act is effective. An additional election may be held by the State Liquefied Compressed Gas Board at such time as approved by the Commissioner of Insurance.

(10) The State Liquefied Compressed Gas Board shall notify the State Tax Commission in writing of the imposition of the assessment and of any increase of the assessment. The imposition of the assessment and any increase of the assessment shall become effective on the first day of the second month succeeding the month in which the notice to impose or increase the assessment was given.

(11) The State Liquefied Compressed Gas Board shall notify the State Tax Commission in writing of the abatement or reduction of the assessment. The abatement or reduction of the assessment shall become effective on the last day of the month succeeding the month in which such notice was given.

Sources: Laws, 1996, ch. 429, § 1, eff from and after July 1, 1996.

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