

**55-1812. Licensure; training, inspection and safety regulation; fees; exemption; violations; penalties.** (a) The state fire marshal shall promulgate rules and regulations to carry out the provisions of this act. Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes. Such rules and regulations shall include, but not be limited to, the following:

- (1) The establishment of classes of licenses which shall be renewed on an annual basis, including, but not limited to:
  - (A) Class one dealer license which is required to engage in the retail distribution of liquefied petroleum gas;
  - (B) class two bulk storage site license which requires the holder to report all bulk storage facilities and locations within their operations;
  - (C) class three cylinder transport license which is required to operate a cylinder delivery service;
  - (D) class four cylinder filling license which is required to operate a cylinder filling facility, including liquefied petroleum gas cylinder filling and the sale of cylinder valves, and the operation of a liquefied petroleum gas filling station;
  - (E) class five recreational vehicle fueling license which is required to fuel recreational vehicles or mobile fuel containers;
  - (F) class six cylinder exchange cabinet license which is required to establish a cylinder exchange cabinet or participate in a cylinder program;
  - (G) class seven self-serve liquefied petroleum gas dispensing license which is required to operate a liquefied petroleum gas fueling facility; and
  - (H) class eight installation and service of liquefied petroleum gas systems license which is required to install, maintain, or modify a residential or commercial liquefied petroleum gas distribution and utilization system.

- (2) the establishment of educational requirements for each class of licenses;
- (3) the establishment of inspection programs and inspection requirements for all liquefied petroleum gas facilities, operations, installations and businesses, including, but not limited to, bulk storage areas, safety information and customer records, educational requirements of liquefied petroleum gas employees and commercial establishments and places of public gathering that are end retail users for compliance with rules and regulations; and

- (4) the establishment of codes which the state fire marshal has determined provide adequate protection and guidance to the liquefied petroleum gas industry and public relating to the handling, installation, modification, delivery and use of liquefied petroleum gas and liquefied petroleum gas systems.

(b) The state fire marshal shall have the authority to charge and collect fees as provided in this subsection:

- (1) The annual license fee for a class one dealer license shall not exceed \$250 per location;
  - (2) the annual class two bulk storage site license fee shall not exceed \$50 per tank;
  - (3) the annual class three cylinder transport license fee per vehicle shall not exceed \$125 per truck;
  - (4) the annual class four cylinder filling license fee per facility shall not exceed \$75 per location;
  - (5) the annual class five recreational vehicle fueling license fee per facility shall not exceed \$75 per location;
  - (6) the annual class six cylinder exchange cabinet license fee per facility shall not exceed \$15 per location;
  - (7) the annual class seven self-serve liquefied petroleum gas dispensing license fee per facility shall not exceed \$75 per location; and
  - (8) the annual class eight installation and service of liquefied petroleum gas systems license fee shall not exceed \$25 per individual.
- (c) A person who has earned a certificate pursuant to K.S.A. 12-1508 et seq. or 12-1541 et seq., and amendments thereto, shall be exempt from all licensure and training provisions of this act and all licensure and training rules and regulations adopted pursuant to this act. Upon written request of the state fire marshal, a certificate holder shall furnish proof of certification.

(d) In addition to any other penalty provided by law, any person violating the provisions of this act and amendments thereto or the rules and regulations adopted pursuant to this act may incur fines in the amount not less than \$50 nor more than \$1,000 for each such violation. In the case of a continuing violation, every day such violation continues is a separate violation. Such fines shall be imposed pursuant to the procedures provided in the administrative procedure act. Any fines recovered shall be remitted to the state treasurer and deposited to the credit of the state general fund.

(e) The state fire marshal shall create uniform safety information which shall be distributed on, at least an annual basis, to all licensees.

(f)(1) The fire marshal may suspend, revoke or refuse to issue or renew a license of any liquefied petroleum gas marketer or individual licensee as created by this act and rules and regulations upon proof that the licensee has violated any provision of this act or amendments thereto, any rules and regulations or amendments thereto, or provision regarding a class of license as established by the state fire marshal.

(2) Proceedings to consider the suspension, revocation or refusal to renew a license shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

**History:** L. 2004, ch. 111, § 6; L. 2007, ch. 67, § 1; July 1.