MISSISSIPPI DEPARTMENT OF INSURANCE
REGULATION 2011-2

HANDLING OF LIQUEFIED COMPRESSED GAS CONTAINERS

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Section 1. Purpose

The purpose of this Regulation is to set forth minimum standards for the use and handling of ASME liquefied petroleum gas containers by liquefied petroleum/compressed gas dealers.

Section 2. Authority

This Regulation is promulgated by the Liquefied Compressed Gas Board with the approval of the Commissioner of Insurance, pursuant to Miss. Code Ann. §75-57-105 (Rev. 2000), as well as the provision of the Mississippi Department of Insurance Regulation No. 88-101, said Regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department.

Section 3. Scope

This Regulation shall apply to all liquefied petroleum gas dealers, their agents and employees.

Section 4. Requirements

A. In order to promote the public safety by avoiding the contamination of ASME containers and by assuring the proper reconditioning of service valves and containers, all dealers shall be required to mark, label, or otherwise designate liquefied petroleum gas containers in such a manner as to easily identify such containers as being owned by the particular dealer. No dealer shall sell, install, fill, refill, deliver or permit to be delivered, or use in any manner any ASME liquefied petroleum gas container unless such container is owned by such dealer or its use is authorized by the owner of such container.

B. No liquefied petroleum gas dealer, including its agents and employees, may dismantle, disconnect, evacuate, repair, deface, fill, or refill a container belonging to another dealer unless:

1. Prior written permission shall have been granted by the dealer who owns the container;
2. Prior written permission shall have been granted by the owner or lessee of the premises where the container is located, except the owner or lessee may not grant permission to fill or refill a container;
3. The action is taken at the discretion of the authority having jurisdiction as defined in NFPA Pamphlet 58; or
4. The action is taken under a declared state of emergency.

C. Nothing in this section shall be construed as abrogating the right of the consumer to terminate a rental contract on a container with the dealer/owner, in accordance with the terms and provisions of said rental contract.

D. Containers are to be appropriately marked and easily identified to the inspector.

Section 5. Date of Compliance

All liquefied petroleum gas dealers, their agents and employees shall comply with this Regulation from and after the Effective Date of this regulation, as set forth in Section 8, below.

Section 6. Violations and Penalties

Failure of a liquefied petroleum gas dealer, his agents and employees to comply with the provisions of this regulation shall be considered a violation of Miss. Code Ann. §§75-57-107 and 75-57-109, and may result in a monetary penalty and/or revocation of the dealer's liquefied compressed gas permit.

Section 7. 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 the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Section 8. Effective Date

The Effective Date of this Regulation shall be thirty (30) days from the filing for final adoption with the Secretary of State.

CERTIFICATE OF APPROVAL

The foregoing Regulation 2011-2, "Handling of Liquefied Compressed Gas Containers," is hereby approved by me, this the 23rd day of February, 2011.

MIKE CHANEY
COMMISSIONER OF INSURANCE