

Subchapter A Effective June and September 2020

This document highlights those sections of the LP-Gas Rules Subchapter A that will have changes effective June 1, 2020 and September 1, 2020. The table below shows text from the June 2016 edition and any changes that will become effective in June and September 2020, along with any changes that became effective January 6, 2020.

June 1, 2020

- The section numbers, listed in column one, are from the 2020 edition of the LP-Gas Safety Rules.
- The 2020 edition had some section number changes in Subchapter A; if the section number changed from the 2016 edition to the 2020 edition, the previous section number will be shown in the second column. Sections that had numbers changes only are not included.
- The third column shows the section text from the 2016 edition with text effective in June in bold, added text underlined and removed text shown with strikethroughs.

Section (§)	Previous § number	New text
SUBCHAPTER A		
9.4(a)		(a) Records. Each LP-gas licensee, registered manufacturer, or other or registrant shall retain: (2) a copy of all documentation submitted for an exception to an LP-gas rule pursuant to §9.27 of this title (relating to Application for an Exception to a Safety Rule), including the <u>AFS</u> [LP-Gas Operations] director's memorandum granting the exception, for as long as the exception is in use; and
9.4(b)		(b) Periodic inspection. <u>AFS</u> [LP-Gas Operations] shall formulate a plan or program for periodic evaluation or inspection of records and facilities owned, operated, or serviced by LP-gas licenses, registered manufacturers, or other or registrants for the purpose of verifying compliance with this chapter.
9.4(d)		Licensee, registered manufacturer , and other or registrant obligations.

Section (§)	Previous § number	New text
9.5(a)	9.5(b)	<p><u>(a) [(b)] Except as provided by subsections (c) and (d) [(e) and (f)] of this section, the Commission may not approve an application for a [an initial or renewal] license, an exemption, or a manufacturer registration, or their associated renewals, [or registration for an exemption] under this chapter if[:]</u></p> <p><u>[(1)] the applicant [or registrant for an exemption] has violated a statute or Commission rule, order, license, permit, or certificate that relates to safety. If[; or]</u></p> <p><u>[(2)] a person who holds a position of ownership or control in the applicant [or registrant for an exemption] has held a position of ownership or control in another person during the seven years preceding the date on which the application [or registration for an exemption] is filed and during that period of ownership or control the other person violated a statute or Commission rule, order, license, registration, permit, or certificate that relates to safety, then that violation will be attributed to the applicant. Regardless of whether the person's name appears or is required to appear on an application, a person holds a position of ownership or control in an applicant if the person is:</u></p> <p><u>(1) an officer, director, general partner, sole owner, or trustee of, or the owner of at least 25 percent of the beneficial interest in the applicant; or</u></p> <p><u>(2) the applicant and has been determined by a final judgment or final administrative order to have exerted actual control over the applicant.</u></p>
9.5(d)	9.5(f)	<p><u>(d) [(f)] The Commission may issue a license, exemption, or manufacturer registration to an applicant described by subsection (a) [(b)] of this section [or approve a registration for an exemption for a registrant for an exemption described by subsection (b) of this section] for a term specified by the Commission if the license, exemption, or manufacturer [or] registration [for an exemption] is necessary to remedy a violation of law or Commission rules.</u></p>

Section (§)	Previous § number	New text
9.5(e)	9.5(g)	<p><u>(e) [(g)]</u> If the Commission is prohibited by subsection (a) [(b)] of this section from approving an application for a license, an exemption, or a manufacturer registration [or a registration for an exemption] or would be prohibited from doing so by that subsection if the applicant, licensee, or registrant for an exemption submitted an application or registration for an exemption], then the Commission, after notice and opportunity for a hearing, by order may refuse to renew or may revoke a license, an exemption, or a manufacturer registration [or registration for an exemption] issued [to the applicant, licensee, or registrant for an exemption] under this chapter.</p> <p>(1) In determining whether to refuse to renew or to revoke a person's license, exemption, or manufacturer registration [or registration for an exemption] under this subsection, the Commission shall consider the person's history of previous violations, the seriousness of previous violations, any hazard to the health or safety of the public, and the demonstrated good faith of the person.</p> <p>(2) If the Commission issues a refusal or revocation [an application or registration for an exemption is denied] under this subsection, the Commission shall provide the applicant [or registrant for an exemption] with a written statement explaining the reason for the denial.</p> <p>(3) An order issued under this subsection must provide the applicant[, licensee, or registrant for an exemption] a reasonable period to comply with the judgment or order finding the violation before the order takes effect.</p> <p>(4) The Commission's refusal to renew or revocation of a person's license, exemption, or manufacturer registration [or registration for an exemption] under this subsection does not relieve the person of any existing or future duty under law, rules, or license, or registration conditions.</p> <p>(5) On refusal to renew or revocation of a person's license, exemption, or manufacturer registration [or registration for an exemption] under this subsection, the person may not perform any activities under the jurisdiction of the Commission under this chapter, except as necessary to remedy a violation of law or Commission rules and as authorized by the Commission under a license, an exemption, or a manufacturer registration [or registration for an exemption] issued under subsection (d) [(f)] of this section.</p> <p>(6) A fee tendered in connection with an application [or registration for an exemption] that is denied under this section is nonrefundable.</p> <p>(7) The Commission may not revoke or refuse to renew a license, an exemption, or a manufacturer registration [or registration for an exemption] under this subsection if the Commission finds that the applicant, licensee, registered manufacturer, or other registrant [for an exemption] has fulfilled the conditions set out in subsection (c) [(e)] of this section.</p>
9.6(a)		<p>(a) A prospective licensee may apply to AFS [LP Gas Operations,] for one or more licenses specified in subsection (b) [(c)(1)–(16)] of this section. Beginning June 1, 2020, a prospective container manufacturer may apply to AFS for a container manufacturer registration specified in subsection (d) of this section. Prior to June 1, 2020, container manufacturers must be licensed as Category A, A1, or A2 in order to manufacture container in the state of Texas. Fees required to be paid shall be those established by the Commission and in effect at the time of application [licensing] or renewal and shall be paid at the time of application or renewal.</p>

Section (§)	Previous § number	New text
9.6(b)-(b)(1)	9.6(c)	(b) [(e)] The license categories and fees are as follows. (1) A Category A license for container assembly and repair [manufacturers and/or fabricators] authorizes the [manufacture, fabrication,] assembly, repair, installation, subframing, testing, and sale of ASME or DOT LP-gas containers, including LP-gas motor or mobile fuel containers and systems, and the repair and installation of transport and transfer systems. <u>A Category A license includes all activities covered by a Category A1 and Category A2 license.</u> The original license fee is \$1,000; the renewal fee is \$600.
9.6(b)(2)	New	<u>A Category A1 license for ASME container assembly and repair authorizes the assembly, repair, installation, testing, and sale of ASME containers, including LP-gas motor or mobile fuel containers and systems, and the repair and installation of transport and transfer systems. The original license fee is \$1,000; the renewal fee is \$600.</u>
9.6(b)(3)	New	<u>A Category A2 license for U.S. Department of Transportation (DOT) container assembly and repair authorizes the assembly, repair, installation, subframing, testing, and sale of LP-gas DOT containers, including LP-gas motor or mobile fuel containers and systems, and the repair and installation of transport and transfer systems. The original license fee is \$1,000; the renewal fee is \$600.</u>
9.6(d)	New	<u>(d) A container manufacturer registration authorizes the manufacture, assembly, repair, testing and sale of LP-gas containers. The original registration fee is \$1,000; the renewal fee is \$600.</u>
9.7(c)	9.7(d)	(c) [(d)] Licensees, registered manufacturers , company representatives, and operations supervisors at each outlet shall have copies of all current licenses and/or manufacturer registrations and <u>certificates</u> [certification cards] for employees at that location available for inspection during regular business hours. In addition, licensees and registered manufacturers shall maintain a current version of the <u>rules in this chapter</u> [LP-Gas Safety Rules] and shall provide <u>access to these rules for</u> [at least one copy to] each company representative and operations supervisor. The <u>rules</u> [copies] shall <u>also</u> be available to employees during business hours.
9.7(d)	9.7(e)	(d) [(e)] Licenses and manufacturer registrations issued under this chapter expire one year after issuance at midnight on the last day of the month prior to the month in which they are issued.
9.7(e)	Part of 9.7(h)	<u>(e) If a license or registration expires, the person shall immediately cease LP-gas activities.</u>

Section (§)	Previous § number	New text
9.7(h)-(h)(1)	New	<p><u>(h) Beginning June 1, 2020, a prospective container manufacturer may apply to AFS to manufacture LP-gas containers in the state of Texas. Beginning June 1, 2020, a person shall not engage in the manufacture of LP-gas containers in this state unless that person has obtained a container manufacturer's registration as specified in this subsection.</u></p> <p><u>(1) Applicants for container manufacturer registration shall file with AFS LPG Form 1M, and any of the following applicable forms or documents:</u></p> <p><u>(A) any form required by §9.26 of this title;</u></p> <p><u>(B) a copy of current certificate of account status if required by §9.21 of this title;</u></p> <p><u>(C) copies of the assumed name certificates if required by §9.21 of this title;</u></p> <p><u>(D) a copy of current DOT authorization. A registered manufacturer shall not continue to operate after the expiration date of the DOT authorization; and/or</u></p> <p><u>(E) a copy of current ASME Code, Section VIII certificate of authorization or "R" certificate. If ASME is unable to issue a renewed certificate of authorization prior to the expiration date, the manufacturer may request in writing an extension of time not to exceed 60 calendar days past the expiration date. The request for extension shall be received by AFS prior to the expiration date of the ASME certificate of authorization referred to in this section, and shall include a letter or statement from ASME that the agency is unable to issue the renewal certificate of authorization prior to expiration and that a temporary extension will be granted for its purposes. A registered manufacturer shall not continue to operate after the expiration date of an ASME certificate of authorization until the manufacturer files a current ASME certificate of authorization with AFS or AFS grants a temporary exception.</u></p>
9.7(h)(2)-(4)	New	<p><u>(2) By filing LPG Form 1M, the applicant certifies that it has read the requirements of this chapter and shall comply with all applicable rules, regulations and adopted standards.</u></p> <p><u>(3) The required fee shall accompany LPG Form 1M. An original registration fee is \$1,000; the renewal fee is \$600.</u></p> <p><u>(A) If submitted by mail, payment shall be by check, money order, or printed copy of an online receipt.</u></p> <p><u>(B) If submitted by email or fax, payment shall be a copy of an online receipt.</u></p> <p><u>(4) If a manufacturer registration expires or lapses, the person shall immediately cease the manufacture, assembly, repair, testing and sale of LP-gas containers in Texas.</u></p>
9.7(i)	New	<p><u>(i) AFS will review an application for license or registration to verify all requirements have been met.</u></p> <p><u>(1) If errors are found or information is missing on the application or other documents, AFS will notify the applicant of the deficiencies in writing.</u></p> <p><u>(2) The applicant must respond with the required information and/or documentation within 30 days of the written notice. Failure to respond by the deadline will result in withdrawal of the application.</u></p> <p><u>(3) If all requirements have been met, AFS will issue the license or manufacturer registration and send the license or registration to the licensee or manufacturer, as applicable.</u></p>

Section (§)	Previous § number	New text
9.7(j)-(j)(5)	9.7(h)	<p>(j) [(h)] For license and manufacturer registration renewals:^[7]</p> <p>(1) AFS [LP-Gas Operations] shall notify the licensee or registered manufacturer in writing at the address on file with AFS [LP-Gas Operations] of the impending license or manufacturer registration expiration at least 30 calendar days before the date the [a person's] license or registration is scheduled to expire.</p> <p>(2) The renewal notice shall include copies of <u>applicable</u> LPG Forms 1, 1A, and 7, or LPG Form 1M [whichever are applicable,] showing the information currently on file.</p> <p>(3) The licensee or registered manufacturer shall review and return all renewal documentation [Renewals shall be submitted] to AFS [LP-Gas Operations] with any necessary changes clearly marked on the forms. <u>The licensee or registered manufacturer shall submit any applicable fees with the renewal documentation.</u> [Licensees engaging in LP-gas product activities as defined in Texas Natural Resources Code, §113.081(a)(4), shall include on LPG Form 1 a 24-hour emergency response telephone number, if not previously submitted, along with the license renewal fee specified in §9.6 of this title (relating to Licenses and Fees) and any applicable transport registration fee specified in §9.202 of this title (relating to Registration and Transfer of LP-Gas Transports or Container Delivery Units) on or before the last day of the month in which the license expires in order for the licensee to continue LP-gas activities.]</p> <p>(4) Failure to meet the renewal deadline set forth in this section shall result in expiration of the license or manufacturer registration.</p> <p>(5) If a person's license or manufacturer registration expires, that person shall immediately cease performance of any LP-gas activities authorized by the license or registration.</p>
9.7(j)(6)	9.7(h)(1)	<p>(6) If a person's license or manufacturer registration has been expired for 90 calendar days or fewer, the person shall submit a renewal fee that is equal to 1 1/2 times the renewal fee in §9.6 of this title (relating to License Categories, Container Manufacturer Registration, and Fees).</p>
9.7(j)(7)	9.7(h)(2)	<p>(7) If a person's license or manufacturer registration has been expired for more than 90 calendar days but less than one year, the person shall submit a renewal fee that is equal to two times the renewal fee.</p>
9.7(j)(8)	9.7(h)(3)	<p>(8) If a person's license or manufacturer registration has been expired for one year or more, that person shall not renew but shall comply with the requirements for issuance of an original license or manufacturer registration under subsection (f) or (h) of this section.</p>
9.7(j)(9)	Part of 9.7(h)	<p>(9) After verification that[,if] the licensee or registered manufacturer has met all [other] requirements for licensing or manufacturer registration, AFS[,LP-Gas Operations] shall renew the license or registration and send the applicable authorization to the licensee or manufacturer[, and the person may resume LP-gas activities].</p>
9.15(a)		<p>(a) Policy. Improved safety and environmental protection are the desired outcomes of any enforcement action. Encouraging licensees, certificate holders, <u>registered manufacturers</u>, and <u>other</u> registrants to take appropriate voluntary corrective and future protective actions once a violation has occurred is an effective component of the enforcement process. Deterrence of violations through penalty assessments is also a necessary and effective component of the enforcement process. A rule-based enforcement penalty guideline to evaluate and rank LP-gas-related violations is consistent with the central goal of the Commission's enforcement efforts to promote compliance. Penalty guidelines set forth in this section will provide a framework for more uniform and equitable assessment of penalties throughout the state, while also enhancing the integrity of the Commission's enforcement program.</p>

Section (§)	Previous § number	New text
9.15(b)		(b) Guidelines [Only guidelines] . This section complies with the requirements of Texas Natural Resources Code, §81.0531. The penalty amounts contained in the tables in this section are provided solely as guidelines to be considered by the Commission in determining the amount of administrative penalties for violations of Texas Natural Resources Code, Chapter 113 [-relating to LP-gas safety] ; of rules, orders, licenses, registrations , permits, or certificates relating to LP-gas safety adopted under those provisions; and of regulations, codes, or standards that the Commission has adopted by reference.
9.15(c)		(c) Commission authority. The establishment of these penalty guidelines shall in no way limit the Commission's authority and discretion to assess administrative penalties. The typical minimum penalties listed in this section are for the most common violations cited; however, this is neither an exclusive nor an exhaustive list of violations that the Commission may cite. The Commission retains full authority and discretion to cite violations of Texas Natural Resources Code, Chapter 113 [-relating to LP-gas safety] ; of rules, orders, licenses, registrations , permits, or certificates relating to LP-gas safety adopted or issued under those provisions; and of regulations, codes, or standards that the Commission has adopted by reference, and to assess administrative penalties in any amount up to the statutory maximum when warranted by the facts in any case, regardless of inclusion in or omission from this section.
9.15(e)		(e) Typical penalties. Regardless of the method by which the typical penalty amount is calculated, the total penalty amount will be within the statutory limit. Typical penalties for violations of Texas Natural Resources Code, Chapter 113 [-relating to LP-gas safety] ; of rules, orders, licenses, registrations , permits, or certificates relating to LP-gas safety adopted under those provisions; and of regulations, codes, or standards that the Commission has adopted by reference, are set forth in Table 1.
9.16(a)		(a) The Commission may deny, suspend, or revoke a license, registration , or certificate for any person [individual] who fails to comply with the rules in this chapter [LP-Gas Safety Rules] . (1) If AFS [LP-Gas Operations] determines that an applicant for license, manufacturer registration , certificate, or renewal has not met the requirements of the rules in this chapter , AFS [LP-Gas Safety Rules, LP-Gas Operations] shall notify the applicant in writing of the reasons for the proposed denial. In the case of an applicant for license, manufacturer registration , or certificate, the notice shall advise the person that the application may be resubmitted within 30 calendar days of receipt of the denial with all cited deficiencies corrected, or, if the person disagrees with AFS' [LP-Gas Operations'] determination, that person may request in writing a hearing on the matter within 30 calendar days of receipt of the notice of denial. (2) If a person resubmits the application [for license or license renewal] within 30 calendar days of receipt of the denial with all deficiencies corrected, AFS [LP-Gas Operations] shall issue the license, manufacturer registration, certificate , or [license] renewal as applicable.

Section (§)	Previous § number	New text
9.16(b)-(b)(2)		<p>(b) Hearing regarding denial of license, manufacturer registration, certificate or associated renewals [license renewal].</p> <p>(1) An applicant receiving a notice of denial [of a license or license renewal] may request a hearing to determine whether the applicant did comply in all respects with the requirements for the category [or categories of] license, registration, or certificate sought. The request for hearing shall be in writing, shall refer to the specific requirements the applicant claims were met, and shall be submitted to AFS [LP-Gas Operations] within 30 calendar days of the applicant's receipt of the notification of denial.</p> <p>(2) Upon receipt of a request complying with paragraph (1) of this subsection, AFS [LP-Gas Operations] shall forward the request for a hearing to the <u>Hearings Division</u> [Office of General Counsel] for the purpose of scheduling a hearing within 30 calendar days following the receipt of the request for hearing to determine the applicant's compliance or noncompliance with <u>applicable requirements</u> [the licensing requirements for the category or categories of license sought].</p>
9.16(b)(3)-(4)		<p>(3) If, after hearing, the Commission finds the applicant's claim has been supported, <u>the Commission may issue an order approving the license, manufacturer registration, or certificate and AFS shall issue the license, manufacturer registration, certificate, or associated renewal if applicable</u> [it shall enter an order in its records to that effect, noting the category or categories of license for which the applicant is entitled to be licensed, and the license or renewal shall be issued].</p> <p>(4) If, after hearing, the Commission finds that the applicant <u>does not comply with the requirements of this chapter, the Commission may issue an order denying the application or renewal</u> [is not qualified for the license or license renewal in the category or categories of license sought, it shall likewise enter an order in its records to that effect, and no license or renewal shall be issued to the applicant].</p>
9.16(c)-(c)(1)		<p>(c) Suspension or revocation of licenses, manufacturer registrations, or <u>certificates</u> certifications.</p> <p>(1) If AFS [LP-Gas Operations] finds by means including but not limited to inspection, review of required documents submitted, or complaint by a member of the general public or any other person, a probable or actual violation of or noncompliance with the Texas Natural Resources Code, Chapter 113, or the <u>rules in this chapter, AFS</u> [LP-Gas Safety Rules, LP-Gas Operations] shall notify the licensee, registered manufacturer, or <u>certificate holder</u> [certified person] of the alleged violation or noncompliance in writing.</p>
9.16(c)(2)		<p>2) The notice shall specify the acts, omissions, or conduct constituting the alleged violation or noncompliance and shall designate a date not less than 30 calendar days or more than 45 calendar days after the licensee, registered manufacturer, or <u>certificate holder</u> [certified person] receives the notice by which the violation or noncompliance shall be corrected or discontinued. If AFS [LP-Gas Operations] determines the violation or noncompliance may pose imminent peril to the health, safety, or welfare of the general public, AFS [LP-Gas Operations] may notify the licensee, registered manufacturer, or <u>certificate holder</u> [certified person] orally with instruction to immediately cease the violation or noncompliance. When oral notice is given, AFS [LP-Gas Operations] shall follow it with written notification no later than five business days after the oral notification.</p>
9.16(c)(3)		<p>(3) The licensee, registered manufacturer, or <u>certificate holder</u> [certified person] shall either report the correction or discontinuance of the violation or noncompliance within the time frame specified in the notice or shall request an extension of time in which to comply. The request for extension of the time to comply shall be received by LP-Gas Operations within the same time frame specified in the notice for correction or discontinuance.</p>

Section (§)	Previous § number	New text
9.16(d)-(d)(1)		(d) Hearing regarding suspension or revocation of licenses, manufacturer registrations , and <u>certificates</u> [certifications]. [(1)] If a licensee, registered manufacturer , or <u>certificate holder</u> [certified person] disagrees with the determination of AFS [LP-Gas Operations] under this section, that person may request a public hearing on the matter to be conducted <u>as specified in Chapter 1 of this title (relating to Practice and Procedure)</u> [in compliance with the Texas Government Code, Chapter 2001, et seq., Chapter 1 of this title (relating to Practice and Procedure), and this chapter]. The request shall be in writing, shall refer to the specific rules or statutes the [licensee or certified] person claims to have complied with, and shall be received by AFS [LP-Gas Operations] within 30 calendar days of the [licensee's or certified] person's receipt of the notice of violation or noncompliance. AFS [LP-Gas Operations] shall forward the request for hearing to the Hearings Division [Office of General Counsel].
9.21(a)		(a) An applicant for an original or renewal license or registered manufacturer that is a corporation, <u>limited partnership</u> , or limited liability company shall be <u>approved to transact business in Texas by</u> [in good standing with] the <u>Texas Comptroller of Public Accounts</u> [of the State of Texas]. The licensee or registered manufacturer shall provide a copy of the <u>current Certificate of Account Status</u> [Franchise Tax Statement] from the <u>Texas Comptroller of Public Accounts</u> [showing "In Good Standing"].
9.21(b)		(b) All applicants for license or manufacturer registration , or their <u>corresponding renewals</u> , shall list on LPG Form 1 <u>or LPG Form 1M</u> all names under which LP-gas related activities requiring licensing or registration as a container manufacturer are to be conducted. Any company performing LP-gas activities under an assumed name ("DBA" or "doing business as" [name]) shall file <u>with AFS</u> copies of the assumed name certificates which are required to be filed with the respective county clerk's office and/or the <u>Secretary of State's Office</u> [secretary of state's office with LP-Gas Operations].
9.22(a)-(a)(1)		(a) Changes in ownership which require a new license or manufacturer registration . (1) Transfer of dealership or outlet by sale, lease, or gift. The purchaser, lessee, or donee of any dealership or outlet shall have a current and valid license or manufacturer registration authorizing the LP-gas activities to be performed at the dealership or outlet or shall apply for and be issued an LP-gas license or manufacturer registration prior to engaging in any LP-gas activities which require a license or manufacturer registration . The purchaser, lessee, or donee shall notify AFS [LP-Gas Operations] by filing a properly completed LPG Form 1 or LPG Form 1M prior to engaging in any LP-gas activities at that dealership or outlet which require an LP-gas license <u>or manufacturer registration</u> , respectively.
9.22(a)(2)		(2) Other changes in ownership. A change in members of a partnership occurs upon the death, withdrawal, expulsion, or addition of a partner. Upon the death of a sole proprietor or partner, [or] the dissolution of a corporation or partnership, [or] any change in the members of a partnership, or other change in ownership not specifically provided for in this section, an authorized representative of the previously existing dealership or of the successor in interest shall notify AFS [LP-Gas Operations] in writing and shall immediately cease all LP-gas activities of the previously existing dealership which require an LP-gas license or manufacturer registration and shall not resume until LP-Gas Operations issues an LP-gas license or manufacturer registration to the successor in interest.
9.22(b)		(b) Change in dealership business entity. When a dealership converts from one business entity into a different kind of business entity, the resulting entity shall have a current and valid license or manufacturer registration authorizing the LP-gas activities to be performed or shall apply for and be issued a license or manufacturer registration before engaging in any LP-gas activities

Section (§)	Previous § number	New text
		<p>which require an LP-gas license or manufacturer registration and shall immediately notify AFS [LP Gas Operations] in writing of the change in business entity.</p>
9.22(c)		<p>(c) Dealership name change. A licensee or registered manufacturer which changes its name shall not be required to obtain a new license or manufacturer registration but shall immediately notify AFS [LP Gas Operations] as follows prior to engaging in any LP-gas activities under the new name. The licensee or registered manufacturer shall file:</p> <ol style="list-style-type: none"> (1) an amended LPG Form 1 or LPG Form 1M; [and, if applicable,] (2) an amended Form 1A if outlet names will change; (3) [(2)] a copy of the licensee's or registered manufacturer's business documents reflecting the name change, such as amendments to the articles of incorporation or assumed name filings; (4) [(3)] certificates of insurance or affidavits in lieu of insurance if [(where)] permitted by §9.26 of this title (relating to Insurance and Self-Insurance Requirements) or both; and (5) any other forms required by AFS. <p>[(4) an amended LPG Form 7 to transfer any LP-gas transport or container delivery unit, including any fees specified in §9.202 of this title (relating to Registration and Transfer of LP Gas Transports or Container Delivery Units); and] [(5) an amended LPG Form 19, if applicable, to specify storage container inventory.]</p>
9.26(a)		<p>(a) A licensee or registered manufacturer shall not perform any activity authorized by its license or registration under §9.6 of this title (relating to License Categories, Container Manufacturer Registration, and Fees) unless insurance coverage required by this section is in effect. LP-gas licensees, registered manufacturers, or applicants for license or manufacturer registration shall comply with the minimum amounts of insurance specified in Table 1 of this section or with the self-insurance requirements in subsection (i) of this section, if applicable. Registered manufacturers are not eligible for self-insurance. Before AFS grants or renews a manufacturer registration, an applicant for a manufacturer registration shall submit the documents required by paragraph (1) of this subsection. Before AFS [LP Gas Operations] grants or renews a license, an applicant for a license shall submit either:</p> <ol style="list-style-type: none"> (2) properly completed documents demonstrating the applicant's compliance with the self-insurance requirements set forth in subsection (j) [(i)] of this section.
9.26(b)		<p>(b) Each licensee or registered manufacturer shall file LPG Form 999 or other written notice with AFS [LP Gas Operations] at least 30 calendar days before the cancellation of any insurance coverage. The 30-day period commences on the date the notice is actually received by AFS [LP Gas Operations].</p>
9.26(e)		<p>(e) A licensee, registered manufacturer, or applicant for a license or manufacturer registration that does not engage in or contemplate engaging in any LP-gas activities [operations] that would be covered by completed operations or products liability insurance, or both, may file LPG Form 998B in lieu of a completed operations and/or products liability insurance form. The licensee, registered manufacturer, or applicant for a license or manufacturer registration shall file the required insurance form with AFS [LP Gas Operations] before engaging in any operations that require completed operations and/or products liability insurance.</p>

Section (§)	Previous § number	New text
9.26(f)		(f) A licensee, <u>registered manufacturer</u> , or applicant for a license <u>or manufacturer registration</u> that does not engage in or contemplate engaging in any operations that would be covered by general liability insurance may file LPG Form 998B in lieu of filing a general liability insurance form. The licensee, <u>registered manufacturer</u> , or applicant for a license <u>or manufacturer registration</u> shall file the required insurance form with <u>AFS</u> [LP-Gas Operations] before engaging in any operations that require general liability insurance.
9.26(j)		(j) Each licensee <u>or registered manufacturer</u> shall promptly notify <u>AFS</u> [LP-Gas Operations] of any change in insurance coverage or insurance carrier by filing a properly completed [revised] Acord™ form; other form approved by the Texas Department of Insurance that has been prepared and signed by the insurance carrier containing all required information; or documents demonstrating the applicant's compliance with the self-insurance requirements set forth in subsection (i) of this section. Failure to promptly notify <u>AFS</u> [LP-Gas Operations] of a change in the status of insurance coverage or insurance carrier may result in an enforcement action and an administrative penalty.

September 1, 2020

- The section number listed in column one is from the 2020 edition of the LP-Gas Safety Rules.
- The third column shows the section text from the 2016 edition with text effective in September in bold, added text underlined and removed text shown with strikethroughs.

Section

New text

9.35(a) (a) **Each** [~~In addition to NFPA 58 §14.4.9.1, each~~] licensee shall maintain a written procedure to be followed when any employee receives notification of a possible leak. The licensee shall ensure that all employees are familiar with the procedure and shall authorize employees to implement the procedure without management oversight. The written procedure shall be available to emergency response agencies as specified in NFPA 58, **§6.29.2** [~~§6.25.2 and as stated in Table 1 of §9.403 of this title, (relating to Sections in NFPA 58 Not Adopted by Reference, and Adopted with Changes or Additional Requirements)~~].