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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

February 12, 2009

Robert Marchant
Senate Chief Clerk
B20 Southeast, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Patrick Fuller
Assembly Chief Clerk
Room 401
17 West Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 08-092

RULE NO.: Comm 5.73

RELATING TO: Retail Liquefied Gas Suppliers

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,


for Richard J. Leinenkugel
Secretary

February 12, 2009

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Michael Sheridan
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Sheridan:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 08-092

RULE NO.: Comm 5.73

RELATING TO: Retail Liquefied Gas Suppliers

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

Richard J. Leinenkugel
Secretary

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-092

Rule No.: Comm 5.73

Relating to: Retail Liquefied Gas Suppliers

Contact person for substantive questions:

Contact person for internal processing:

Name James Quast

Name James Quast

Title Program Manager

Title Program Manager

Telephone Number (608) 266-9292

Telephone Number (608) 266-9292

1. Basis and purpose of the proposed rule.

The rules establish licenses and the licensing process for retail liquefied gas supplier as directed by 2007 Wisconsin Act 203. The licenses are needed to fill propane gas cylinders.

2. How the proposed rule advances relevant statutory goals or purposes.

The rules implement the statutory directives of 2007 Wisconsin Act 203.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes have occurred for the rule analysis or the fiscal estimate.

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 Chs. Comm 5 & 40

Amendment No.

Subject
 Liquefied gas suppliers

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

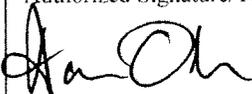
None

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	13,000	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 13,000	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)
 Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.
 6-8976

Date
 9/22/08

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chs. Comm 5 & 40
Amendment No. if Applicable

Subject

Liquefied gas suppliers

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation
 Decrease Existing Appropriation
 Create New Appropriation
 Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed rules implement the licensing mandates imposed by 2007 Wisconsin Act 203 relating to businesses which supply/fill liquid petroleum gas cylinders. The primary businesses affected by these licensing mandates would include bulk gas suppliers, cooperatives, hardware stores and camp grounds. The department estimates there would be 600 suppliers who would be required to obtain licenses. The department proposes to charge \$60 for a license and \$40 for a restricted license which would be limited to filling only DOT cylinders. The department also anticipates that a majority of the suppliers would obtain the restricted licenses. The department estimates that it would realize approximately \$26,000 in revenue for the two-year licenses or \$13,000 annually. The department anticipates that workload associated with this licensing can be absorbed within current resources and staff levels.

Long-Range Fiscal Implications

No long-range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.

Aan Oh 6-8976

Date

9/22/08

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-092

RULE NO.: Comm 5.73

RELATING TO: Retail Liquefied Gas Suppliers

Final regulatory flexibility analysis not required. (Statement of determination required.)

The proposed rules implement the mandates imposed by 2007 Wisconsin Act 203. The Act establishes licensing requirements for businesses that fill propane gas cylinders. The department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-092		Hearing Location: Madison	
Rule Number: Comm 5.73		Hearing Date: November 4, 2008	
Relating to: Retail Liquefied Gas Suppliers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
speaker #1	Timothy Clay, Wisconsin Federation of Coops Madison	Supports the proposed rules that implement 2007 Wisconsin Act 203.	No response necessary.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **08-092**

AN ORDER to amend Comm 40.44 (intro.); to repeal and recreate Comm 40.43 Note; and to create Comm 5.01 (4) (h), 5.02 Table 5.02 lines 50m. and 50n., 5.06 Table 5.06 lines 50m. and 50n., 5.31 (4) (c) Note, 5.70 (4) Note, 5.71 (4) Note, 5.73, 5.90 (6) (d), 5.91 (6) (d) Note, and 65.0300, relating to the liquefied gas suppliers, and affecting small businesses.

Submitted by **DEPARTMENT OF COMMERCE**

09-29-2008 RECEIVED BY LEGISLATIVE COUNCIL.

10-20-2008 REPORT SENT TO AGENCY.

RNS:DWS

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 08-092

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

1. Statutory Authority

Section 101.16 (4) (a), Stats., should be included as a reference in the statutory authority section of the rule preface.

2. Form, Style and Placement in Administrative Code

a. The notes referring to s. 101.16 (4) (a), Stats., should begin with the phrase "Section 101.16 (4) (a), Stats., provides that:".

b. Section 101.16 (4) (a), Stats., refers to a form prescribed by the department showing that the design, construction, location, and installation of equipment conforms with the department's rules. The department should ensure that the requirements of s. 227.14 (3), Stats., are met.

c. The effective date clause states that the rule will take effect on the first day of the month following publication, except that s. Comm 5.73 (1) will take effect on August 1, 2009. The exception should be deleted. The entire rule can take effect on the first day of the month following publication and, by its own terms, s. Comm 5.73 (1) will first apply on August 1, 2009.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the rule preface comparison of rules in adjacent states, the phrase “regarding these types of grants” appears to be incorrectly stated. Clearinghouse Rule 08-092 does not relate to the provision of grants.

b. In s. Comm 5.73, “liquefied petroleum gas” is not defined for the purposes of the rule. See the definition at s. 101.16 (1) (b), Stats.

c. In s. Comm 5.73, “liquefied gas supplier” and “liquefied gas supplier-restricted” are not defined. It is not clear what distinguishes these two licenses in terms of their qualifications.

d. Section Comm 5.73 (4) (c) should be rewritten to read: “Pursuant to s. 101.16 (4) (c), Stats., a person who holds either a liquefied gas supplier or a liquefied gas supplier-restricted license and fills a container tank that is part of a propane gas system shall....”

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-092

RULE NO.: Comm 5.73

RELATING TO: Retail Liquefied Gas Suppliers

Agency contact person for substantive questions.

Name: James Quast

Title: Program Manager

Telephone No. (608) 266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

**COMMENTS ON LEGISLATIVE COUNCIL
CLEARINGHOUSE REPORT**

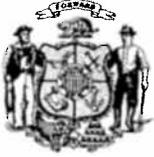
Clearinghouse Rule No. 08-092

Rule No.: Comm 5.73

Relating to: Retail Liquefied Gas Suppliers

5. Clarity, Grammar, Punctuation and Use of Plain Language

c. Section 5.73 (1) (b) establishes the limitations for the restricted license. The statutes and the rules do not established different “qualifications” for the two licenses; rather s. 101.16 (3) (b), Stats., establishes different financial obligations for the two licenses.



State of Wisconsin \ Department of Commerce

RULES IN FINAL DRAFT FORM

Rule No.: Comm 5.73

Relating to: Retail Liquefied Gas Suppliers

Clearinghouse Rule No.: 08-092

The Wisconsin Department of Commerce adopts an order to amend Comm 40.44 (intro.); to repeal and recreate Comm 40.43; and to create Comm 5.003 (26x), Comm 5.01 (4) (h), Comm 5.02 Table 5.02 lines 50m. and 50n., Comm 5.06 Table 5.06 lines 50m. and 50n., Comm 5.31 (4) (c) Note, Comm 5.70 (4) Note, Comm 5.71 (4) Note, Comm 5.73, Comm 5.90 (6) (d), Comm 5.91 (6) (d) Note, Comm 40.52 Note, Comm 40.62 Note, Comm 40.72 Note, Comm 40.82 Note, and Comm 65.0300, relating to the liquefied gas suppliers, and affecting small businesses.

Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: s. 101.16, Stats., as affected by 2007 Wisconsin Act 203.

2. Statutory Authority

Statutes Interpreted: ss. 101.02 (1) and (15), and 101.16 (2) and (4) (a), Stats., as affected by 2007 Wisconsin Act 203.

3. Related Statute or Rule

Chapter Comm 40, Gas Systems
Chapter Comm 65, Fuel Gas Appliances

4. Explanation of Agency Authority

Under the statutes cited, the Department of Commerce protects public health, safety, and welfare by promulgating comprehensive requirements for design, construction, use and maintenance of public buildings and places of employment. Under section 101.16, Stats., the Department has the responsibility for developing rules specifically for minimum safety standards for the design, construction, installation, operation, inspection, repair and maintenance of liquefied petroleum gas systems.

5. Summary of Proposed Rules

The proposed rules establish administrative procedures for licensing of liquefied gas suppliers as mandated by 2007 Wisconsin Act 203.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding the licensing of liquefied gas suppliers.

7. Comparison with Rules in Adjacent States

An Internet-based search of liquefied petroleum gas suppliers in the states of Illinois, Iowa, Michigan and Minnesota found that none of the states have specific rules or programs regarding the licensing of liquefied gas suppliers.

8. Summary of Factual Data and Analytical Methodologies

The proposed rules were developed by reviewing the provisions under 2007 Wisconsin Act 203 in conjunction with the current licensing rules relating to businesses under ch. Comm 5.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

The proposed rules implement the licensing mandates imposed by 2007 Wisconsin Act 203. The primary businesses affected by these licensing mandates are suppliers who fill propane gas cylinders. This would include bulk gas suppliers, cooperatives, hardware stores and camp grounds. The department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

An economic impact report has not been required pursuant to s. 227.137, Stats.

10. Agency Contact.

James Quast, Program Manager, jim.quast@wisconsin.gov, (608) 266-9292

11. Public Hearing Comments.

The hearing record on this proposed rulemaking will remain open until November 14, 2008. Written comments on the proposed may be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

SECTION 1. Comm 5.003 (26x) is created to read:

Comm 5.003 (26x) “Liquefied petroleum gas” has the meaning specified under s. 101.16 (1) (b), Stats.

Note: Section 101.16 (1) (b), Stats., reads: “Liquefied petroleum gas” means any material which is composed predominantly of, or any mixtures of, any of the following hydrocarbons including their isomers:

1. Propane.
2. Propylene.
3. Butane.
4. Butylene.”

SECTION 2. Comm 5.01 (4) (h) is created to read:

Comm 5.01 (4) (h) Gas supplier.

SECTION 3. Comm 5.02 Table 5.02 lines 50m. and 50n. are created to read:

Table 5.02
(Partial Table)
FEES

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	Subchapter VII				
50m.	Liquefied Gas Supplier	License	\$15	NA	\$60
50n.	Liquefied Gas Supplier – Restricted	License	\$15	NA	\$40

SECTION 4. Comm 5.06 Table 5.06 lines 50m. and 50n. are created to read:

Table 5.06
(Partial Table)
TERMS

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
	Subchapter VII			
50m.	Liquefied Gas Supplier	2 years	Date of Issuance	NA
50n.	Liquefied Gas Supplier – Restricted	2 years	Date of Issuance	NA

SECTION 5. Comm 5.31 (4) (c) Note is created to read:

Comm 5.31 (4) (c) Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

SECTION 6. Comm 5.70 (4) Note is created to read:

Comm 5.70 (4) Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

SECTION 7. Comm 5.71 (4) Note is created to read:

Comm 5.71 (4) Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

SECTION 8. Comm 5.73 is created to read:

Comm 5.73 Liquefied gas suppliers. (1) GENERAL. (a) Pursuant to s. 101.16 (3g) (a), Stats., as of August 1, 2009, no person may engage in the business of filling containers with liquefied petroleum gas that is intended to be used directly from the containers as fuel, unless the person holds a license issued by the department as a licensed liquefied gas supplier or liquefied gas supplier - restricted, except as provided under either of the following conditions:

1. The business is engaged in only filling containers that have a water capacity of less than 4 pounds.
2. The filling of the containers with liquefied petroleum gas is for the person's or the entity's own use.

(b) A person who holds a license as a licensed liquefied gas supplier - restricted shall be limited to filling only department of transportation cylinders with liquefied petroleum gas.

Note: Under s. 101.16 (1) (c), Stats., a "department of transportation cylinder" means a container that holds liquefied petroleum gas and that meets the specifications established by the federal department of transportation.

(2) APPLICATION FOR LICENSE. A person applying for a liquefied gas supplier or a liquefied gas supplier - restricted license shall submit all of the following:

- (a) An application in accordance with s. Comm 5.01.
- (b) An application fee and a license fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for either a liquefied gas supplier or a liquefied gas supplier - restricted license shall provide proof of financial responsibility as required under s. 101.16 (3r) (c), Stats.

Note: Section 101.16 (3r) (c), Stats., requires any one of the following to prove financial responsibility:

1. A surety bond that is issued by a surety company that is listed as an acceptable surety for federal bonds on the date that the surety bond is obtained in the most recently published U.S. department of the treasury's circular 570.
2. An irrevocable letter of credit that is issued by a financial institution that is authorized to do business in this state or that is federally chartered. The letter of credit shall be for an initial period of at least one year.
3. Commercial general liability insurance as an endorsement to an existing policy or as a separate policy from an insurer, or a risk retention group, that is licensed to transact the business of insurance in this state or that is eligible to provide insurance as a surplus lines insurer in one or more states.

(b) The person applying for either a liquefied gas supplier or a liquefied gas supplier - restricted license shall be the owner of the contracting business, a partner in the contracting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A person who holds either a liquefied gas supplier or a liquefied gas supplier - restricted license shall maintain proof of financial responsibility in accordance with s. 101.16 (3r) (a) or (b), Stats.

Note: Section 101.16 (3r) (a) and (b), Stats., reads as follows:

(a) Except as provided in par. (b), a retail supplier (a licensed liquefied gas supplier or a liquefied gas supplier - restricted) shall maintain proof of financial responsibility in the amount of \$1,000,000 per occurrence with an annual aggregate of \$2,000,000 for compensating 3rd parties for bodily injury and property damages for incidents associated with the release of liquefied petroleum gas.

(b) A retail supplier (a licensed liquefied gas supplier or a liquefied gas supplier - restricted) who only fills department of transportation cylinders or who only fills containers for engine and recreational vehicle fueling systems shall maintain proof of financial responsibility in the amount of \$500,000 per occurrence with an annual aggregate of \$1,000,000 for compensating 3rd parties for bodily injury and property damages for incidents associated with the release of liquefied petroleum gas.

(b) Pursuant to s. 101.16 (3r) (g), Stats., a person who holds either a liquefied gas supplier or a liquefied gas supplier - restricted license shall notify the department at least 60 days before cancelling or failing to renew a surety bond, letter of credit or general liability insurance as proof of financial responsibility.

Note: Section 101.16 (3r) (f), Stats., requires a 3rd party that issues a surety bond, letter of credit, or general liability insurance to a retail supplier for purposed of this subsection shall provide written notice to the retail supplier and to the department at least 60 days before canceling, revoking, suspending, or failing to renew the bond, letter or insurance.

(c) Pursuant to s. 101.16 (4) (c), Stats., a person who holds either a liquefied gas supplier or a liquefied gas supplier - restricted license and fills a container that is part of a propane gas system shall provide written information notices to customers in accordance with s. 101.16 (4) (c), Stats.

Note: Section 101.16 (4) (c), Stats., reads: Each retail supplier filling a container that is part of a propane gas system shall provide written notice to each custom subject to par. (b) of the customer's duty under par. (b) before the retail supplier's first delivery of propane gas to that customer and shall provide subsequent notices on an annual basis. The notice shall include all of the following information concerning the duty to notify under par. (b):

1. The name, address, and telephone number of the retail supplier.
2. The purpose of giving the notification to the retail supplier.
3. A description of the type of propane gas system that is subject to the notification requirement.
4. A description of the types of activities that constitute a replacement, modification, repair, or servicing of a propane system.

5. A copy of the provisions under s. 101.16 (4) (b).

Note: Section 101.16 (4) (a), Stats., The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(5) RENEWAL. (a) A person may renew his or her liquefied gas supplier or a liquefied gas supplier - restricted license.

(b) A liquefied gas supplier or a liquefied gas supplier - restricted license shall be renewed in accordance with s. Comm 5.07.

SECTION 9. Comm 5.90 (6) (d) Note is created to read:

Comm 5.90 (6) (d) Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

SECTION 10. Comm 5.91 (6) (d) Note is created to read:

Comm 5.91 (6) (d) Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

SECTION 11. Comm 40.43 is repealed and recreated to read:

Comm 40.43 Certification of installation. (1) Every person, firm, association or corporation installing equipment using liquefied petroleum gas shall complete a certificate of installation form, SBD-9659.

Note: A certificate of installation form (SBD 9656) may be downloaded from the Commerce webpage at: <http://www.commerce.state.wi.us/SB/SB-DivForms> or obtained through Document Sales P.O. Box 7840, Madison, Wisconsin 53707, (608-266-3358 information), (1-800-362-7253 or 608-264-9419 charge card orders) or http://www.doa.state.wi.us/section_detail.asp?linkcatid=266&linkid=49&locid=2&sname.

(2) The certificate of installation form, SBD-9659, shall be completed at the time of installation and shall be provided to the owner of the equipment.

(3) The certificate of installation form, SBD-9659, shall be submitted to the local fire department within 10 business days after completion of the installation, if the installation involved one of the following:

(a) A container with a water capacity of 2000 gallons or more.

(b) Containers with an aggregate water capacity of 4000 gallons or more.

Note: Section 101.16 (4), Stats., requires “(a) The person actually performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department, showing that the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(b) 1. A person who owns, leases, or uses a propane gas system and who is a customer of a retail supplier shall notify the retail supplier of propane gas for the propane gas system of any interruption in the operation of the propane gas system due to the replacement, modification, repair, or servicing of the propane gas system by any person other than the retail supplier. The customer shall provide the notice at least 7 days in advance of the interruption in the operation of the propane gas system, except as provided in subd. 2. The retail supplier, or the person replacing, modifying, repairing, or servicing the propane gas system, shall perform a check for leaks or other defects in the propane gas system before placing the propane gas system back into operation in the manner required by rule.

2. If the interruption of a propane gas system subject to subd. 1. is due to emergency repair or servicing, the customer shall provide the notice to the retail supplier as soon as possible and no later than 24 hours after the repair or servicing is completed.”

SECTION 12. Comm 40.44 (intro.) is amended to read:

Comm 40.44 Liquefied petroleum gas facilities systems shall be designed, constructed, installed, and maintained as specified in the following standards as ~~incorporated by reference in s. Comm 40.30:~~

SECTION 13. Comm 40.52 Note is created to read:

Comm 40.52 Note: A certificate of installation form (SBD 9656) may be downloaded from the Commerce webpage at: <http://www.commerce.state.wi.us/SB/SB-DivForms> or obtained through Document Sales P.O. Box 7840, Madison, Wisconsin 53707, (608-266-3358 information), (1-800-362-7253 or 608-264-9419 charge card orders) or http://www.doa.state.wi.us/section_detail.asp?linkcatid=266&linkid=49&locid=2&sname.

SECTION 14. Comm 40.62 Note is created to read:

Comm 40.62 Note: A certificate of installation form (SBD 9656) may be downloaded from the Commerce webpage at: <http://www.commerce.state.wi.us/SB/SB-DivForms> or obtained through Document Sales P.O. Box 7840, Madison, Wisconsin 53707, (608-266-3358 information), (1-800-362-7253 or 608-264-9419 charge card orders) or http://www.doa.state.wi.us/section_detail.asp?linkcatid=266&linkid=49&locid=2&sname.

SECTION 15. Comm 40.72 Note is created to read:

Comm 40.72 Note: A certificate of installation form (SBD 9656) may be downloaded from the Commerce webpage at: <http://www.commerce.state.wi.us/SB/SB-DivForms> or obtained through Document Sales P.O. Box 7840, Madison, Wisconsin 53707, (608-266-3358 information), (1-800-362-7253 or 608-264-9419 charge card orders) or http://www.doa.state.wi.us/section_detail.asp?linkcatid=266&linkid=49&locid=2&sname.

SECTION 16. Comm 40.82 Note is created to read:

Comm 40.82 Note: A certificate of installation form (SBD 9656) may be downloaded from the Commerce webpage at: <http://www.commerce.state.wi.us/SB/SB-DivForms> or obtained through Document Sales P.O. Box 7840, Madison, Wisconsin 53707, (608-266-3358 information), (1-800-362-7253 or 608-264-9419 charge card orders) or http://www.doa.state.wi.us/section_detail.asp?linkcatid=266&linkid=49&locid=2&sname.

SECTION 17. Comm 65.0300 is created to read:

Comm 65.0300 Statutory requirements. These are department informational notes to be used under IFGC chapter 3:

Note: Section 101.16 (4) (a), Stats., requires “The person actually performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department, showing that the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.”

Note: Section 101.16 (4) (b), Stats., requires “1. A person who owns, leases, or uses a propane gas system and who is a customer of a retail supplier shall notify the retail supplier of propane gas for the propane gas system of any interruption in the operation of the propane gas system due to the replacement, modification, repair, or servicing of the propane gas system by any person other than the retail supplier. The customer shall provide the notice at least 7 days in advance of the the interruption in the operation of the propane gas system, except as provided in subd. 2. The retail supplier, or the person replacing, modifying, repairing, or servicing the propane gas system, shall perform a check for leaks or other defects in the propane gas system before placing the propane gas system back into operation in the manner required by rule.

2. If the interruption of a propane gas system subject to subd. 1. is due to emergency repair or servicing, the customer shall provide the notice to the retail supplier as soon as possible and no later than 24 hours after the repair or servicing is completed.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
