

AN ACT

relating to examinations for licenses to engage in certain liquefied petroleum gas-related activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 113.087(a)-(d), Natural Resources Code, are amended to read as follows:

(a) The satisfactory completion of the requirements of this section is mandatory, and operations requiring an LP-gas license may not commence, continue, or resume unless examination and seminar requirements are fulfilled. The commission shall prepare, administer, and grade or review an examination required by this section or contract with a testing service to prepare, administer, and grade or review the examination.

(b) Before license issuance, the commission shall require the individual designated as the licensee's representative to the commission to provide good and sufficient proof through examination ~~[prepared and administered by the commission]~~ of working knowledge of this chapter and rules of the commission which affect the type of license for which application is made. Thereafter, each licensee shall maintain a qualified representative at all times.

(c) Each individual who will be actively supervising those operations requiring any license under this chapter, other than a license under Section 113.082(a)(16) ~~[category "P" license]~~, at any outlet or location, as designated by the commission, shall be

1 required to provide good and sufficient proof through examination
2 [~~prepared and administered by the commission~~] that the supervisor
3 has a working knowledge of the safety requirements and penalties in
4 this chapter and the rules of the commission which apply to that
5 type of license. Each [~~category "E"~~] licensee under Section
6 113.082(a)(5) who provides portable cylinders to a [~~category "P"~~]
7 licensee under Section 113.082(a)(16) shall:

8 (1) prepare or obtain a manual approved by the
9 commission covering the proper procedures for handling LP-gas in
10 the portable cylinder exchange process;

11 (2) provide a copy of the manual to each outlet or
12 location of the [~~category "P"~~] licensee under Section
13 113.082(a)(16); and

14 (3) provide training approved by the commission
15 regarding the contents of the manual to each individual who will be
16 actively supervising operations requiring a [~~category "P"~~] license
17 under Section 113.082(a)(16) at each outlet or location.

18 (d) As determined by commission rule, each individual who is
19 or will be utilized by a licensee or a public employee of the state,
20 the federal government, or a state or federal subdivision in
21 LPG-related activities shall be required to provide good and
22 sufficient proof through examination [~~prepared and administered by~~
23 ~~the commission~~] that the employee has a working knowledge of the
24 safety requirements in the rules of the commission relating to the
25 activity or activities. Should the commission determine that an
26 individual has a history of failure to comply with the requirements
27 of this code or with the rules of the commission, the commission

1 shall promptly mail written notification of failure to qualify for
2 LP-gas employee certification and the reasons therefor to the
3 registrant. Written notice by the commission, a written request
4 for a hearing, and the public hearing itself shall be governed by
5 Section 113.091 [~~of this code~~].

6 SECTION 2. Section 113.088(b), Natural Resources Code, is
7 amended to read as follows:

8 (b) Before seminar attendance or examination of any person,
9 except as provided by this subsection or [in] Subsection (c) [of
10 ~~this section]~~, the commission shall receive a nonrefundable fee for
11 each examination or seminar registration. If the examination is
12 administered by a testing service, the testing service may
13 administer the examination before the commission receives the fee.
14 A testing service that administers an examination shall collect a
15 nonrefundable fee for the examination before the examination is
16 administered and shall forward the fee to the commission not later
17 than the fifth business day after the date the testing service
18 receives the fee.

19 SECTION 3. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 473 was passed by the House on March 31, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 473 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor