

1-1 By: West (Senate Sponsor - Armbrister) H.B. No. 473
1-2 (In the Senate - Received from the House April 4, 2005;
1-3 April 6, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 18, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to examinations for licenses to engage in certain
1-9 liquefied petroleum gas-related activities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 113.087(a)-(d), Natural Resources
1-12 Code, are amended to read as follows:

1-13 (a) The satisfactory completion of the requirements of this
1-14 section is mandatory, and operations requiring an LP-gas license
1-15 may not commence, continue, or resume unless examination and
1-16 seminar requirements are fulfilled. The commission shall prepare,
1-17 administer, and grade or review an examination required by this
1-18 section or contract with a testing service to prepare, administer,
1-19 and grade or review the examination.

1-20 (b) Before license issuance, the commission shall require
1-21 the individual designated as the licensee's representative to the
1-22 commission to provide good and sufficient proof through examination
1-23 [~~prepared and administered by the commission~~] of working knowledge
1-24 of this chapter and rules of the commission which affect the type of
1-25 license for which application is made. Thereafter, each licensee
1-26 shall maintain a qualified representative at all times.

1-27 (c) Each individual who will be actively supervising those
1-28 operations requiring any license under this chapter, other than a
1-29 license under Section 113.082(a)(16) [category "P" license], at any
1-30 outlet or location, as designated by the commission, shall be
1-31 required to provide good and sufficient proof through examination
1-32 [~~prepared and administered by the commission~~] that the supervisor
1-33 has a working knowledge of the safety requirements and penalties in
1-34 this chapter and the rules of the commission which apply to that
1-35 type of license. Each [~~category "E"~~] licensee under Section
1-36 113.082(a)(5) who provides portable cylinders to a [category "P"]
1-37 licensee under Section 113.082(a)(16) shall:

1-38 (1) prepare or obtain a manual approved by the
1-39 commission covering the proper procedures for handling LP-gas in
1-40 the portable cylinder exchange process;

1-41 (2) provide a copy of the manual to each outlet or
1-42 location of the [~~category "P"~~] licensee under Section
1-43 113.082(a)(16); and

1-44 (3) provide training approved by the commission
1-45 regarding the contents of the manual to each individual who will be
1-46 actively supervising operations requiring a [~~category "P"~~] license
1-47 under Section 113.082(a)(16) at each outlet or location.

1-48 (d) As determined by commission rule, each individual who is
1-49 or will be utilized by a licensee or a public employee of the state,
1-50 the federal government, or a state or federal subdivision in
1-51 LPG-related activities shall be required to provide good and
1-52 sufficient proof through examination [~~prepared and administered by~~
1-53 ~~the commission~~] that the employee has a working knowledge of the
1-54 safety requirements in the rules of the commission relating to the
1-55 activity or activities. Should the commission determine that an
1-56 individual has a history of failure to comply with the requirements
1-57 of this code or with the rules of the commission, the commission
1-58 shall promptly mail written notification of failure to qualify for
1-59 LP-gas employee certification and the reasons therefor to the
1-60 registrant. Written notice by the commission, a written request
1-61 for a hearing, and the public hearing itself shall be governed by
1-62 Section 113.091 [~~of this code~~].

1-63 SECTION 2. Section 113.088(b), Natural Resources Code, is
1-64 amended to read as follows:

2-1 (b) Before seminar attendance or examination of any person,
2-2 except as provided by this subsection or [in] Subsection (c) [of
2-3 this section], the commission shall receive a nonrefundable fee for
2-4 each examination or seminar registration. If the examination is
2-5 administered by a testing service, the testing service may
2-6 administer the examination before the commission receives the fee.
2-7 A testing service that administers an examination shall collect a
2-8 nonrefundable fee for the examination before the examination is
2-9 administered and shall forward the fee to the commission not later
2-10 than the fifth business day after the date the testing service
2-11 receives the fee.

2-12 SECTION 3. This Act takes effect September 1, 2005.

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