

**RULES  
OF  
DEPARTMENT OF COMMERCE AND INSURANCE  
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-02-17  
LIQUEFIED PETROLEUM GAS SAFETY REGULATIONS**

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**0780-02-17-.01 DEFINITIONS.**

- (1) For purposes of this Chapter, unless the context otherwise requires, the definitions of terms contained in Tenn. Code Ann. § 68-135-101 are applicable. In addition:
  - (a) "Division" shall mean the Division of Fire Prevention of the Department of Commerce and Insurance.
  - (b) "NFPA" shall mean the National Fire Protection Association, Inc., a nationally recognized standards making organization.
  - (c) "Responsible Managing Employee (R.M.E.)" shall be the person responsible for active management of a licensed liquefied petroleum gas dealer facility, except for Class V facilities.
  - (d) "Good engineering practice" and the "bottle exchange business" shall be used to describe the type of safe placement for liquefied petroleum gas containers awaiting commercial use or resale.

**Authority:** T.C.A. §§68-135-101, 68-135-107, and 68-102-113. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994. Amendment filed April 30, 2009; effective July 14, 2009.

**0780-02-17-.02 ADOPTION BY REFERENCE.**

- (1) Unless otherwise provided by applicable law or the provisions of this Chapter, the required minimum standards of engaging in the liquefied petroleum gas business in the State of Tennessee shall be those prescribed in Tenn. Code Ann. § 68-135-101 et seq., and those in the following publications published by the National Fire Protection Association, Inc. (NFPA), Post Office Box 9101 Batterymarch Park, Quincy, Massachusetts 10029-9101:
  - (a) The 2008 edition of NFPA 58: Liquefied Petroleum Gas Code in its entirety; and
  - (b) Those applicable portions of the 2006 edition of NFPA 54: National Fuel Gas Code that are related to liquefied petroleum gas in the vapor phase.
- (2) In the event of a conflict or inconsistency between these codes adopted by reference, the more stringent code provision shall control; and in the event of a conflict or inconsistency between these codes adopted by reference and Tenn. Code Ann. § 68-135-101 et seq., the provisions of Tenn. Code Ann. § 68-135-101 et seq. shall control.

(Rule 0780-02-17-.02, continued)

- (3) Except where the context requires otherwise and in no way excluding the NFPA definitions adopted by reference, these rules adopt the same purpose and definitions as found in Tenn. Code Ann. § 68-135-101.

**Authority:** T.C.A. §§68-135-101, 68-135-107, and 68-102-113. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994. Amendment filed November 25, 2002; effective February 8, 2003. Amendment filed April 30, 2009; effective July 14, 2009.

**0780-02-17-.03 EXAMINATIONS AND RESPONSIBLE MANAGING EMPLOYEES.**

- (1) At all liquefied petroleum gas business facilities in Tennessee, including all dealers licensed as Class I, Class II, Class III, and Class IV, where those facilities are directly engaging in the delivering, installing, or servicing of liquefied petroleum gas equipment, there shall be at least one person or full-time employee thereof to be known hereafter as the R.M.E. (Responsible Managing Employee) whose responsibility shall be to ensure compliance with the safety standards adopted in this Chapter within their individual business facility by being present within the service area of the facility or by remaining readily available by telephonic or other immediate communication means with company employees within said business facility when offsite.
- (2) The R.M.E. shall be determined and designated by all licensees at each and every business facility currently licensed and engaging in the activities described in paragraph (1) of this rule, which shall mean one individual per location. All applicants who become licensed after the effective date of these rules will from the date of receiving their license have three months to designate an R.M.E. and so inform the Division. The information designating the R.M.E. must be submitted, along with a statement affirming that the R.M.E. will comply with paragraph (1) of this rule, on a form as prescribed by the Division.
- (3) All licensees must provide notification on a form prescribed by the Division within fourteen (14) days of any change in designation of their R.M.E.
- (4) The R.M.E. shall be examined by the Division for the purpose of determining whether he/she has adequate knowledge of these regulations promulgated by the State Fire Marshal in the interest of safeguarding life, health, and property.
- (5) The R.M.E. may for the express language of NFPA 58 be construed to mean the training agent referred to in that section.
- (6) This rule will not affect the applicant, or in the case of a firm or corporation, the person charged with the active management thereof, whether or not that person is designated as an R.M.E., who will also be examined for the stated purpose by the Division as per Tenn. Code Ann. § 68-135-103.
- (7) The examination shall cover the minimum standards of the codes adopted by reference herein, and may include material from a national certification program. The examination shall be given by the Division, or its designee, at its discretion and at reasonable times and locations to all those persons as required by law and these rules to take the examination.
- (8) The applicant, or in the case of a firm or corporation, the person charged with the active management thereof, and/or the R.M.E. should contact the Division of Fire Prevention, Permits and Licenses Section, or its designee, for arrangements to take the examination within the time limits stated in paragraph (2) of this rule.
- (9) The Division, or its designee, administering the examination may charge an appropriate fee to be paid by the applicant for each examination or reexamination.

(Rule 0780-02-17-.03, continued)

**Authority:** T.C.A. §§68-135-103, 68-135-107, and 68-102-113. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994. Amendment filed April 30, 2009; effective July 14, 2009.

#### **0780-02-17-.04 STORAGE OF PORTABLE CONTAINERS AWAITING USE OR RESALE.**

- (1) With respect to NFPA 58, section 8.4.2 as adopted herein, “good engineering practice” as it relates to what is commonly referred to as the “bottle exchange business” (where certain portable liquefied petroleum gas containers are in commerce awaiting use or resale), will require the safe placement of those containers at the establishment where they are located by the owner or person responsible for their placement. Such safe placement and storage will be subject to approval of the Division through its fire safety inspectors.

**Authority:** T.C.A. §§68-135-103, 68-135-107, and 68-102-113. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994. Amendment filed April 30, 2009; effective July 14, 2009.

#### **0780-02-17-.05 PENALTIES AND ENFORCEMENT.**

- (1) Regarding the liquefied petroleum gas business in Tennessee, the Division shall undertake an active enforcement policy with regards to any violations, of Tenn. Code Ann. § 68-135-101 et seq., and these regulations as adopted.
- (2) Any written complaints of violations of the law or regulations or reports made pursuant to Tenn. Code Ann. § 68-135-109 shall result in an investigation by the Division to determine their validity. After such investigation if there are grounds to prove that an individual engaging in the liquefied petroleum gas business in Tennessee has violated the law or regulations, the State Fire Marshal shall convene a hearing after affording all due process under Tenn. Code Ann. § 68-135-106. At the conclusion of such hearing, and upon a finding of fault the State Fire Marshal may revoke or suspend any license or renewal previously granted.
- (3) Where the violation is one which is particularly hazardous to the public or is in blatant disregard of the law or regulations, the State Fire Marshal may proceed in its discretion with either criminal or civil penalties as provided in the law at Tenn. Code Ann. §§ 68-135-110 and 68-135-111.

**Authority:** T.C.A. §§68-102-113, 68-135-106, 68-135-107, 68-135-110, and 68-135-111. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994. Amendment filed April 30, 2009; effective July 14, 2009.