

# Idaho Liquefied Petroleum Gas Safety Board

## Board/Commission Members:

- Jay T. Hill, Ashton – Chair
- Ben Estes, Pocatello – Public Member
- Larry L. Simms, Post Falls – Fire Services Rural
- Richard B. Davies, Nampa – Fire Services Cities
- Tom C. Daniels, Jerome

**Board/Commission Composition:** The Board consists of five (5) members: two (2) licensed dealers; one (1) volunteer firefighter in a rural area of the state; one (1) firefighter employed by a city fire department in the state; and one (1) public member. Board members serve a term of four (4) years. [Idaho Code § 54-5309](#).

**Operating costs per licensee: \$87.91.** This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, inspection and investigative services.

**Total number** of licensees in Idaho on May 19, 2018: **623**.

For the Idaho Liquefied Petroleum Gas Safety Board, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **24 days**. Of all the licenses issued, **42.5 percent** were issued the **same day**. The **average time** from complete application to issuing a license was **5.8 days**. The Board issued **40 licenses** between May 19, 2017 and May 19, 2018.

**Note:** All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

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**A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal**

		<b>Statute</b> <a href="#">Title 54,</a> <a href="#">Chapter 53</a>	<b>Rule</b> <a href="#">IDAPA</a> <a href="#">24.22.01</a>	<b>*Policy</b>	<b>Application</b>	<b>Basis to Deny</b> <b>Issuance or</b> <b>Renewal</b>	<b>Fees</b>
Liquefied Petroleum Gas Dealer	Issuance for Initial License	<a href="#">I.C. § 54-5307</a>	<a href="#">24.22.01.150</a> <a href="#">24.22.01.225</a> <a href="#">24.22.01.250</a> <a href="#">24.22.01.300</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-5307</a>  <a href="#">I.C. § 54-5315</a>	<a href="#">\$30 Application Fee</a> <a href="#">\$75 License Fee</a>
	Renewal Requirements	N/A	<a href="#">24.22.01.200</a>	*		<a href="#">I.C. § 54-5315</a>  <a href="#">I.C. § 67-2614</a>	<a href="#">\$75 Renewal Fee</a>
Liquefied Petroleum Gas Facility (under 10,000 Gal/Cap)	Issuance for Initial License	<a href="#">I.C. § 54-5308</a>	<a href="#">24.22.01.300</a> <a href="#">24.22.01.350</a> <a href="#">24.22.01.355</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-5315</a>	<a href="#">\$30 Application Fee</a> <a href="#">\$100 License Fee</a>
	Renewal Requirements	N/A	<a href="#">24.22.01.200</a>	*		<a href="#">I.C. §§ 54-5315</a> and <a href="#">67-2614</a>	<a href="#">\$100 Renewal Fee</a>

*\*All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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		<b>Statute</b> <a href="#">Title 54, Chapter 53</a>	<b>Rule</b> <a href="#">IDAPA 24.22.01</a>	<b>*Policy</b>	<b>Application</b>	<b>Basis to Deny Issuance or Renewal</b>	<b>Fees</b>
Liquefied Petroleum Gas Facility (over 10,000 Gal/Cap)	Issuance for Initial License	<a href="#">I.C. § 54-5308</a>	<a href="#">24.22.01.300</a> <a href="#">24.22.01.350</a> <a href="#">24.22.01.355</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-5315</a>	<a href="#">\$30 Application Fee</a> <a href="#">\$400 License Fee</a>
	Renewal Requirements	N/A	<a href="#">24.22.01.200</a>	*		<a href="#">I.C. §§ 54-5315</a> and <a href="#">67-2614</a>	<a href="#">\$400</a>
Dealer in Training	Issuance for Initial License	<a href="#">§ 54-5312(3)</a>	<a href="#">24.22.01.250.02</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-5315</a>	<a href="#">\$30 Application Fee</a> <a href="#">\$50 License Fee</a>
	Renewal Requirements	N/A	N/A	*		<a href="#">I.C. §§ 54-5315</a> and <a href="#">67-2614</a>	

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**B. Applications and Renewals Denied, May 19, 2017 – May 19, 2018**

Refusal to Issue Initial License [Total Number: 0 ]

	<b>Statutory Basis</b>	<b>Summary of Factual Basis</b>
	None	

Refusal to Renew License [Total Number: 0 ]

	<b>Statutory Basis</b>	<b>Summary of Factual Basis</b>
	None	

**C. Disciplinary Actions in the Last Five (5) Years\*\***

The Idaho Liquefied Petroleum Gas Safety Board received **192 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **180 complaints were closed** by the Board with no disciplinary action; **5 resulted in disciplinary action**; **6 remained under investigation**; and **1 awaited Board determination** for a final action.

*\*\*The Idaho Liquefied Petroleum Gas Safety Board did not take any disciplinary action between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board’s full [disciplinary action](#) information is available online.*

<b>Number</b>	<b>Date of Final Action</b>	<b>Action Taken</b>	<b>Statutory Basis</b>	<b>Summary of Factual Basis</b>
None				

**D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry**

Law and Rule

Session	Legislation or Rule	Summary
2017	<a href="#">Docket No. 24-2201-1601</a>	<p>The Board is amending the rule to incorporate by reference the 2017 edition of the Liquefied Petroleum Gas Code, NFPA 58, published by National Fire Protection Association (NFPA) to keep abreast of the most current safety standards.</p> <p><b>Impact:</b> A clear understanding of the laws and rules under which a licensee will operate is critical. To ensure licensees operate under the most current version and that the Board's rules are updated to reflect that licensees reference the most current version, the Board proposed, and the Legislature approved, an amendment to the rule to incorporate by reference the 2017 edition of the Liquefied Petroleum Gas Code, NFPA 58, published by the National Fire Protection Association.</p>

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board’s website	<p><a href="#">I.C. § 67-2620</a> For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. <b>The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration.</b> Boards may also expedite applications, including military spouse applications.</p> <p><a href="#">I.C. § 67-2602A</a> Additionally, if a licensee already holds an active Idaho license and are on active duty in the United States Armed Forces, that license will remain active without renewing it <b>for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</b></p>
2015	<a href="#">I.C. § 67-2614</a>	<p>Sets the reinstatement fee to \$35 and eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license had been expired.</p> <p><b>Impact:</b> Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduced barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person’s competency when reviewing applications.</p>

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### Additional Barriers Eliminated/Opportunities Provided (continued)

<b>Date</b>	<b>Barrier/Opportunity</b>	<b>Summary</b>
2008	Application Review	The Board reviews applications between meetings on conference calls. Additionally, in order to be responsive to applicants, the Board schedules regular conference calls during the peak times in recognition of the seasonal nature of some of the applicants.
2008	Inspections	<p>For bulk facilities, the Board has an inspection policy, requiring “A” classifications to only be inspected every three (3) years; requiring “B” classifications to only be inspected every two (2) years; and requiring “C” classifications to continue to have a 60-day follow-up.</p> <p>For dispensers, the Board has an inspection policy, requiring “A” classifications to only be inspected every two (2) years; requiring “B” classifications to only be inspected annually; and requiring “C” classifications to continue to have a 60-day follow-up.</p> <p>This allows the Board to focus efforts where they need to be and relieves a burden on those facilities that are compliant.</p>
2010	<a href="#">House Bill 429</a>	This bill removes members of the Board from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. <a href="#">§ 59-509</a> .

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### Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barrier/Opportunity	Summary
2008	<a href="#">Docket No. 24-2201-0701</a>	<p>The Board proposed and the Legislature approved the following addition to Rule 375: “The Board may adopt a form which establishes for the facility those material rules of NFPA 58 which will be inspected, and a level of compliance necessary for issuance or retention of a license or disciplinary action. The Board may further determine the time frame a facility may be granted in order to comply with NFPA 58, but still continue to operate, or pursue disciplinary action for a failure to comply.”</p> <p><b>Impact:</b> Allows facilities to continue to operate while they work to comply with requirements.</p>

## Idaho Liquefied Petroleum Gas Safety Board

### **E. Assessment of Public Interest**

The Board's charge is public protection. Those who engage in the selling, filling, refilling, transporting, delivering, or commercial handling of liquefied petroleum gas (LPG), or engage in the installation or maintenance of systems, equipment, pipes or containers for the use or storage of LPG, are responsible for ensuring practices adhere to the highest safety standards. Faulty equipment or unsafe practices endanger the public and put them at risk for serious injury and may even result in death.

### **F. Recommendations for Improvement, Modification, or Elimination of Requirements**

1. The Board received public comment regarding the need for the Legislature to pass a container law to address public safety concerns related to specific situations that have been observed, such as a propane truck filling up a bobtail in a restaurant parking lot.
2. Clarify Idaho Code [§ 54-5308\(d\)](#) in rule to ensure that facilities know when it is required to have a licensed dealer on site or employed by the facility.

## Idaho Liquefied Petroleum Gas Safety Board

### Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Liquefied Petroleum Gas Safety Board respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
  - ✓ Protect the public. (*I.C. [§ 54-5302](#)*)
  - ✓ Portability of licensure (*[IDAPA 24.22.01.400](#) allows for endorsement*)
  - ✓ Eliminate barriers to entry to work (*The Board meets frequently by conference call in order to consider applications*)
  - ✓ Do away with unnecessary regulation (*The Board has inspection schedules that allow the Board to focus efforts where they need to be and relieve a burden on those facilities that are compliant. Prior to this change the Board's goal was to inspect each facility every year.*)
  - ✓ Modernize licensure and regulatory requirements (*The Board tracks changes to NFPA 58 and updates accordingly*)
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
  - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*The Board deals with physical locations*)
  - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*The Basic Certified Employee Training Program (CETP) is available online*)
  - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-5315](#)*)
  - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*Licensing does not require an examination*)
  - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*The Board does not require CE*)
  - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*Not applicable*)