

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 567
Committee Substitute Favorable 5/4/93

Short Title: LP-Gas Fee/Civil Penalty.

(Public)

Sponsors:

Referred to:

March 25, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF REPLACEMENT DATA PLATES
2 FOR LP-GAS TANKS, TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS
3 OF THE LAWS REGARDING LP-GAS, AND TO PROVIDE FOR SUSPENSION
4 OR REVOCATION OF AN LP-GAS DEALER'S REGISTRATION FOR
5 VIOLATIONS OF THESE LAWS.
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7 The General Assembly of North Carolina enacts:

8 Section 1. Article 5 of Chapter 119 of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 119-61. Replacement data plates for liquified petroleum gas tanks.**

11 A liquified petroleum gas tank that is subject to the American Society of Mechanical
12 Engineers (ASME) Code must have a data plate indicating that it was built in
13 accordance with that Code. The Commissioner may issue a data plate to replace a
14 rusting or partially detached data plate on a liquified petroleum gas tank. The
15 Commissioner shall charge a person to whom a replacement data plate is issued a fee of
16 twenty dollars (\$20.00) for the plate. Fees collected under this section shall be credited
17 to the Department of Agriculture and applied to the cost of issuing replacement data
18 plates."

19 Sec. 2. G.S. 119-59 reads as rewritten:

20 **"§ 119-59. Penalty; ~~injunction of~~ Sanctions for violations.**

21 (a) Criminal. – A dealer ~~violating any of the provisions~~ who violates a provision
22 of this Article, ~~Article~~ or any of the rules and regulations made and promulgated in
23 accordance with the provisions of this Article, shall be deemed a rule adopted under it is

1 guilty of a misdemeanor, and upon conviction thereof shall be punished misdemeanor
2 and is punishable by fine or imprisonment.

3 (b) Injunction. – ~~In addition the~~ The Commissioner or his agent ~~an agent of the~~
4 Commissioner may apply to any superior court judge and the court may temporarily
5 restrain or preliminarily or permanently enjoin any violation of this Article or ~~any of the~~
6 ~~rules or regulations made and promulgated thereunder.~~ a rule adopted under it.

7 (c) Civil Penalty. – The Commissioner may assess a civil penalty against any
8 person who violates a provision of this Article or a rule adopted under it. The penalty
9 may not exceed one hundred dollars (\$100.00) for the first violation, three hundred
10 dollars (\$300.00) for a second violation, and five hundred dollars (\$500.00) for a third
11 or subsequent violation. In determining the amount of a penalty, the Commissioner
12 shall consider the degree and extent of harm or potential harm that has resulted or could
13 have resulted from the violation.

14 The Commissioner may not assess a civil penalty against a person until the
15 Commissioner has notified the person of the alleged violation and has given the person
16 at least 45 days to correct or cease the alleged violation. A notice may be served by any
17 means authorized by G.S. 1A-1, Rule 4. Civil penalties assessed under this subsection
18 shall be credited to the General Fund as nontax revenue.

19 (d) Registration. – The Commissioner may deny, suspend, or revoke the
20 registration of a dealer who violates a provision of this Article or a rule adopted under
21 it."

22 Sec. 3. This act becomes effective December 1, 1993.