

(c) No license shall be issued to any person, firm or corporation that does not maintain general liability insurance in an amount of not less than \$5,000,000.

(d) No license shall be issued to any person, firm or corporation that markets LP-Gas and does not maintain either an adequate storage capacity for customers or contract(s) with other marketers to provide LP-Gas.

(e) Retention and reissuance of a license shall be contingent upon satisfactory completion of all audits required pursuant to this chapter.

Amended by R.2004 d.199, effective June 7, 2004.

See: 36 N.J.R. 910(a), 36 N.J.R. 2733(a).

In (c), deleted "per occurrence" following "\$5,000,000".

### 5:18-10.2 Application for licensure; fees

(a) An application for licensure shall be submitted on a form provided by the Bureau and shall include the following information:

1. The name of the business;
2. The names, addresses and telephone numbers of the officers, directors, partners or proprietors of the business;
3. The activities having to do with LP-Gas in which the business is engaged in the State of New Jersey;
4. Proof of insurance as required by N.J.A.C. 5:18-10.1(c);
5. The location(s) at which or from which each such activity is conducted and the LP-Gas storage capacity at each such location or information on contracts with other marketers to provide LP-Gas;
6. Emergency contact information in conformance with N.J.A.C. 5:18-1.7;
7. A listing of all persons employed by the business who are in any way engaged in handling LP-Gas, together with the locations at which they work and Certified Employee Training Program (CETP) of the National Propane Gas Association certifications held by them;
8. A statement indicating whether or not the business, or any officer, director, partner or proprietor of the business, has at any time within the previous ten years been the subject of any order or finding of violation by any governmental entity with regard to the business or any other LP-Gas business or has been convicted of any crime or of any offense involving the business or any other LP-Gas business; and
9. A certification that the information set forth in the application is complete and correct.

(b) Each application for a license shall be accompanied by a fee in the amount of \$100.00. Checks shall be made payable to "Treasurer, State of New Jersey."

### 5:18-10.3 Employee certification

(a) Any employee of a marketer licensed pursuant to N.J.A.C. 5:18-10.1 handling LP-Gas shall obtain Certified Employee Training Program (CETP) of the National Propane Gas Association certification for Book One, "Basic Principles and Practices," within three months of the date of hiring or of the effective date of these regulations, whichever is later. Such employee shall obtain CETP certification for Book Two, "Propane Delivery," Book Three, "Plant Operations," and Book Four, "Distribution System Operations," within 21 months of the date of hiring or of the effective date of these regulations, whichever is later.

(b) Licensees shall maintain records of employee certification and shall make those records available to the Bureau upon request.

### 5:18-10.4 Fill plant and dispensing station operator training

(a) All fill plant or dispensing station operators shall be trained using the "Dispensing Propane Safely" manual (2000 edition) published by the National Propane Gas Association, incorporated herein by reference, or an equivalent accepted by the Department. An employee shall receive training prior to dispensing LP-Gas. It shall be the responsibility of the business operating the tank, working together with the marketer, to ensure all employees dispensing LP-Gas are trained properly.

(b) Licensees shall maintain records of employee training and shall make those records available to the Bureau upon request.

New Rule, R.2003 d.250, effective July 7, 2003.

See: 35 N.J.R. 1176(a), 35 N.J.R. 2864(a).

Section was Reserved.

### 5:18-10.5 Suspension and revocation of licenses and certifications and alternative sanctions

(a) The Bureau may suspend or revoke a license, or may deny renewal or issuance of a license, upon a finding that an applicant or licensee has engaged in acts or omissions harmful to public safety or to the protection of the public. Factors in determining whether a license should be revoked or suspended, or for how long a suspension should be in effect, shall include, but not be limited to, the extent and duration of the hazard to the public, the extent to which willful or reckless behavior was evident, prior history of like or similar violations and the extent to which appropriate corrective action was taken.

(b) As an alternative to revocation or suspension of a license, the Bureau may assess a civil penalty, in accordance with N.J.S.A. 21:1B-5, or may issue a letter of warning, reprimand or censure, if the Bureau determines any such action to be warranted. Any penalty imposed or letter issued shall be part of the licensing file of the business or individual, as the case may be.

(c) Conviction of a crime, or of an offense in connection with the LP-Gas business, shall constitute grounds for suspension or revocation of a license.

(d) Any person to whom the Bureau denies a license, or whose license is suspended or revoked, or who is ordered to pay a civil penalty, shall be entitled to appeal the action of the Bureau in an administrative hearing conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The final decision shall be issued by the Commissioner.

## APPENDIX A

### AVAILABILITY OF STANDARDS AND PUBLICATIONS

#### REFERRED TO IN THIS CHAPTER

A copy of each of the standards and publications referenced in this chapter is on file and may be inspected at the following office of the Division of Codes and Standards between the hours of 9:00 A.M. and 5:00 P.M. on normal working days:

State of New Jersey  
Department of Community Affairs  
Division of Codes and Standards  
101 South Broad Street  
Trenton, New Jersey

Copies of the referenced standards and publications may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meanings and refer to the organizations issuing the standards and publications listed or to volumes of statutes or administrative rules.

API	American Petroleum Institute 1220 L Street Northwest Washington, D.C. 20005
BOCA	Building Officials and Code Administration 4051 W. Flossmoor Rd. Country Club Hills, Illinois 60477-5795
CFR	Code of Federal Regulations Copies available from: Superintendent of Documents Government Printing Office Washington, D.C. 20402
NFPA	National Fire Protection Association Batterymarch Park

Quincy, Massachusetts 02269

N.J.A.C.	New Jersey Administrative Code Copies of N.J.A.C. 5:18 are available from: Bureau of Code Services New Jersey Department of Community Affairs PO Box 816 Trenton, New Jersey 08625-0816 Copies of N.J.A.C. 5:70-3 are available from Division of Fire Safety New Jersey Department of Community Affairs PO Box 809 Trenton, New Jersey 08625-0809
N.J.S.A.	New Jersey Statutes Annotated Copies of N.J.S.A. 21:1B-1 et seq. are available from: Bureau of Code Services New Jersey Department of Community Affairs PO Box 816 Trenton, New Jersey 08625-0816
USC	United States Code Copies available from: Occupational Safety and Health Administration U.S. Department of Labor 1515 Broadway New York, New York 10036

<i>No. and Edition</i>	<i>Title</i>
API-2510-1995	American Petroleum Institute 2510-1995, Design and Construction of Liquefied Petroleum Gas Installations
BOCA-1996	The BOCA National Building Code
NFPA No. 30-1993	Flammable and Combustible Liquids Code
NFPA No. 58-1998	Liquefied Petroleum Gas Code
NFPA No. 59-1998	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
N.J.A.C. 5:70	New Jersey Uniform Fire Code
N.J.A.C. 5:23	New Jersey Uniform Construction Code
N.J.A.C. 5:11	Boilers, Pressure Vessels and Refrigeration
N.J.S.A. 21:1B-1 et seq.	Liquefied Petroleum Gas Act
29 USC 651 et seq.	Occupational Safety and Health Act

Amended by R.1990 d.436, effective September 4, 1990.  
See: 22 N.J.R. 1984(a), 22 N.J.R. 2744(a).  
Updated citations, addresses and added API to appendix.  
Amended by R.1995 d.391, effective July 17, 1995.  
See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).  
Amended by R.2003 d.200, effective May 19, 2003.  
See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).  
Updated citations, addresses.