

FIRST REGULAR SESSION

HOUSE BILL NO. 426

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARSON.

Read 1st time January 16, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1034L.01I

AN ACT

To repeal sections 323.010, 323.020, 323.060, 323.075, 323.080, 323.090, 323.100, 323.110, and 323.210, RSMo, and to enact in lieu thereof thirteen new sections relating to the Missouri propane safety act, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 323.010, 323.020, 323.060, 323.075, 323.080, 323.090, 323.100, 323.110, and 323.210, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 323.005, 323.010, 323.020, 323.025, 323.060, 323.075, 323.080, 323.090, 323.100, 323.105, 323.110, 323.115, and 323.210, to read as follows:

323.005. This chapter may be cited as the "Missouri Propane Safety Act".

323.010. For the purposes of this chapter, the following words and phrases shall mean:

- (1) **"Affiliated industry", any person or firm engaged in the manufacturing, assembling, and marketing of appliances, containers, and products used in the propane industry, the interstate or intrastate transportation or storage of propane, the installation or design of propane piping systems, or other such affiliation with the commercial, residential, or agricultural use of propane by consumers in Missouri;**
- (2) **"Commission", the Missouri propane safety commission;**
- (3) **"Compressed natural gas" (CNG), a mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form that has been compressed for use as a vehicular fuel;**
- (4) **"Director", the executive director of the commission;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 [(2)] **(5)** "Dispensing station", a system of compressors, safety devices, cylinders, piping,
13 fittings, valves, regulators, gauges, relief devices, vents, installation fixtures and other
14 compressed natural gas equipment intended for use in conjunction with motor vehicle fueling
15 by compressed natural gas but does not include a natural gas pipeline located upstream of the
16 inlet of the compressor;

17 [(3)] **(6)** "Liquefied petroleum gas", any material which is composed predominantly of
18 any of the following hydrocarbons, or mixtures of the same: Propane, propylene, butanes (normal
19 butane or isobutane), and butylenes;

20 [(4)] **(7)** "Motor vehicle", all vehicles except those operated on rails which are propelled
21 by internal combustion engines and are used or designed for use in the transportation of a person
22 or persons or property;

23 **(8) "Person", any individual, group of individuals, partnership, association,**
24 **cooperative, corporation, or any other entity;**

25 **(9) "Producer", the owner of the propane at the time it is recovered at a**
26 **manufacturing facility, irrespective of the state where production occurs;**

27 **(10) "Propane", propane, butane, mixtures of propane and butane, and liquefied**
28 **petroleum gas as defined by the National Fire Protection Association Standard 58 for the**
29 **storage and handling of liquefied petroleum gases;**

30 **(11) "Public member", a member of the commission selected from among**
31 **significant users of odorized propane, organizations representing significant users of**
32 **odorized propane, public safety officials, state propane gas regulatory officials, or**
33 **voluntary standard-setting organizations;**

34 **(12) "Qualified industry organization", the Missouri Propane Gas Association, the**
35 **Missouri Propane Education and Research Council, or a successor association;**

36 **(13) "Retail marketer", a business engaged primarily in selling propane gas, its**
37 **appliances, and equipment to the ultimate consumer or to retail propane dispensers;**

38 **(14) "Wholesaler" or "reseller", a seller of propane who is not a producer and who**
39 **does not sell propane to the ultimate consumer.**

323.020. 1. The director of the [department of agriculture] **commission** shall make,
2 promulgate and enforce regulations setting forth general standards covering the design,
3 construction, location, installation and operation of equipment for storing, handling, transporting
4 by tank truck, tank trailer, and utilizing liquefied petroleum gases and specifying the odorization
5 of such gases and the degree thereof. The regulations shall be such as are reasonably necessary
6 for the protection of the health, welfare and safety of the public and persons using such materials,
7 and shall be in substantial conformity with the generally accepted standards of safety concerning
8 the same subject matter. Such regulations shall be adopted by the director of the [department of

9 agriculture] **commission** pursuant to chapter 536, RSMo. Any rule or portion of a rule, as that
10 term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter,
11 shall become effective only if the agency has fully complied with all of the requirements of
12 chapter 536, RSMo, including but not limited to section 536.028, RSMo, if applicable, after
13 January 1, 1999. All rulemaking authority delegated prior to January 1, 1999, is of no force and
14 effect and repealed as of January 1, 1999, however nothing in this act shall be interpreted to
15 repeal or affect the validity of any rule adopted and promulgated prior to January 1, 1999. If the
16 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and
17 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to
18 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
19 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
20 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
21 act shall affect the validity of any rule adopted and promulgated prior to January 1, 1999.

22 2. Except as specifically provided in subsection 1 of section 323.060, regulations in
23 substantial conformity with the published standards of the National Board of Fire Underwriters
24 for the design, installation and construction of containers and pertinent equipment for the storage
25 and handling of liquefied petroleum gases as recommended by the National Fire Protection
26 Association shall be deemed to be in substantial conformity with the generally accepted
27 standards of safety concerning the same subject matter.

323.025. 1. The "Missouri Propane Gas Commission" is hereby created within the
2 **department of agriculture. The commission shall ensure the administration and**
3 **enforcement of this chapter and all rules and regulations and orders promulgated**
4 **thereunder. The powers of the commission shall be vested in seven commissioners, who**
5 **shall be residents of this state, to be appointed by the governor, by and with the advice and**
6 **consent of the senate from a list of candidates provided by a qualified industry**
7 **organization. The commission shall consist of one member representing retail marketers**
8 **of propane, one member representing wholesalers or resellers of propane, one member**
9 **representing an affiliated industry, one member representing the department of public**
10 **safety, one member representing the department of agriculture, one member representing**
11 **the department of natural resources, and one public member. One of the seven members**
12 **appointed shall be from a county of the third classification. The commissioners annually**
13 **shall elect from among their number a chairman and a vice chairman, and such other**
14 **officers as they may deem necessary.**

15 2. **The commissioners shall serve five-year terms, with each term beginning July**
16 **first and ending on June thirtieth. However, of the commissioners first appointed, one**
17 **shall be appointed for a term of two years, one shall be appointed for a term of three years,**

18 two shall be appointed for a term of four years, and three shall be appointed for a term of
19 five years. Each commissioner appointed thereafter shall be appointed for a term ending
20 five years from the date of expiration of the term for which his predecessor was appointed.
21 A person appointed to fill a vacancy prior to the expiration of such a term shall be
22 appointed for the remainder of the term. No commissioner appointed by the governor
23 under this section shall serve more than one full term. For those commissioners first
24 appointed, if such commissioner serves a term less than five years, each shall be eligible to
25 serve one full five-year term. Each commissioner shall hold office for the term of such
26 appointment and until such successor has been appointed and qualified.

27 **3. Other than the public member, commission members shall be full-time employees**
28 **or owners of businesses in the industry or the agency they represent.**

29 **4. Notwithstanding the provisions of any other law to the contrary:**

30 **(1) No officer or employee of this state shall be deemed to have forfeited or shall**
31 **forfeit such office or employment by reason of his acceptance of membership on the**
32 **commission or such service to the commission;**

33 **(2) It shall not constitute a conflict of interest for a director, officer, or employee**
34 **of any company selling propane at retail or wholesale, or engaged in the manufacture, sale,**
35 **or distribution of propane-use equipment, or in the transportation, storage, or marketing**
36 **of propane, or any other firm, person, or corporation, to serve as a member of the**
37 **commission, provided such trustee, director, officer, or employee shall abstain from**
38 **deliberation, action, and vote by the commission in each instance where the business**
39 **affiliation or public office association of any such trustee, director, officer, or employee is**
40 **involved.**

41 **5. Commissioners shall receive no compensation for the performance of their duties**
42 **under this section, but each commissioner shall be reimbursed from the funds of the**
43 **commission for his or her actual and necessary expenses incurred in carrying out his or her**
44 **official duties. From assessments collected, the commission shall annually reimburse the**
45 **director for costs incurred in establishing the commission, making appointments to the**
46 **commission, and other expenses directly related to the commission.**

47 **6. Meetings shall be held at the call of the chairman or whenever two**
48 **commissioners so request. Four commissioners of the commission shall constitute a**
49 **quorum, and any action taken by the commission under the provisions of this chapter may**
50 **be authorized by resolution approved by a majority, but not less than three of the**
51 **commissioners present at any regular or special meeting. No vacancy in the membership**
52 **of the commission shall impair the right of a quorum to exercise all the rights and perform**
53 **all the duties of the commission.**

54 **7. The commissioners shall employ an executive director. The executive director**
55 **also shall serve as the secretary for the commission and shall administer, manage, and**
56 **direct the affairs and business of the commission, subject to the policies, control, and**
57 **direction of the commissioners. The commission may employ technical experts and such**
58 **other officers, agents, and employees as deemed necessary, and may fix their qualifications,**
59 **duties, and compensation.**

60 **8. The secretary shall keep a record of the proceedings of the commission and shall**
61 **be custodian of all books, documents, and papers filed with the commission and of its**
62 **minute book and seal. The secretary shall have the authority to cause to be made copies**
63 **of all minutes and other records and documents of the commission and to give certificates,**
64 **under the seal of the commission, to the effect that such copies are true copies, and all**
65 **persons dealing with the commission may rely upon such certificates. Resolutions of the**
66 **persons dealing with the commission need not be published or posted unless the**
67 **commission shall so direct.**

68 **9. Before entering into his or her duties, each commissioner of the commission shall**
69 **execute a surety bond for fifty thousand dollars, and the executive director shall execute**
70 **a surety bond for one hundred thousand dollars or, in lieu thereof, the chairman of the**
71 **commission shall execute a blanket bond covering all members, the executive director, and**
72 **the employees or other officers of the commission. Each surety bond shall be conditioned**
73 **on the faithful performance of the duties of the office or offices covered, shall be executed**
74 **by a surety company authorized to transact business in this state as surety, shall be**
75 **approved by the attorney general, and shall be filed in the office of the secretary of state.**
76 **The cost of each such bond shall be paid by the commission.**

77 **10. At the beginning of each fiscal year, the commission shall prepare and submit**
78 **to the director a budget plan, including the probable costs of all programs, projects, and**
79 **contracts and a recommended rate of assessment and other fees as may be necessary to**
80 **cover such costs. The director shall have the authority to approve or modify the budget.**

81 **11. The commission shall, following the close of each fiscal year, submit an annual**
82 **report of its activities for the preceding year to the director, the governor, and the general**
83 **assembly. Each report shall set forth a complete operating and financial statement for the**
84 **commission during the fiscal year it covers. At least once in each year, an independent**
85 **certified public accountant shall audit the books and accounts of the commission.**

86 **12. The commission shall have the power necessary to:**

- 87 **(1) Sue and be sued in its own name;**
88 **(2) Have an official seal and alter the same at pleasure;**
89 **(3) Have perpetual succession;**

90 (4) Maintain an office at such place or places within this state as the department
91 may designate;

92 (5) Conduct hearings and mediate disputes arising from the enforcement of this
93 chapter;

94 (6) Disperse funds for its lawful activities and fix salaries and wages of its
95 employees; and

96 (7) Exercise all powers necessary or convenient to accomplish its purposes.

97 13. The commission shall have the following duties:

98 (1) Develop comprehensive plans and programs for the prevention, control and
99 abatement of propane-related accidents in Missouri;

100 (2) Advise, consult, and cooperate with other agencies of the state, the federal
101 government, other states, and interstate agencies, as well as with affected groups, political
102 subdivisions, and industries in furtherance of the purposes of this chapter;

103 (3) Accept gifts, contributions, donations, loans and grants from the federal
104 government and from other sources, public or private, for carrying out any of its functions.
105 Such funds shall not be expended for other than the purposes for which provided.

106 (4) Exercise general supervision of the administration and enforcement of this
107 chapter and all rules, regulations, and orders promulgated hereunder;

108 (5) Suspend any registration filed under this chapter granted to persons or
109 companies doing business under the requirements of this chapter;

110 (6) Represent the state of Missouri in all matters pertaining to this chapter,
111 including negotiation of interstate compact agreements;

112 (7) To do any act necessary or convenient to the exercise of the powers granted by
113 or reasonably implied from the provisions of this chapter.

114 14. The director may make such investigations as the director deems necessary to
115 carry out effectively the director's responsibilities under this chapter or to determine
116 whether a person has engaged or is engaging in acts or practices that constitute a violation
117 of any provision of this chapter or of any regulation or plan issued under this chapter. For
118 the purpose of any investigation, the director is empowered to administer oaths and
119 affirmations, subpoena witnesses, compel their attendance, take evidence, and require the
120 production of books, papers, and documents which are relevant to the inquiry. Such
121 attendance of witnesses and the production of any such records may be required from any
122 place in this state. In case of contumacy by or refusal to obey a subpoena issued to any
123 person, the director may seek enforcement thereof in the circuit court of proper venue.

124 15. Records and documents submitted by propane companies to the Missouri
125 propane gas commission relating to business operations, such as total gallons sold, number

126 of employees, or equipment inventories, shall be deemed a closed record as such term is
127 defined in section 610.010, RSMo, may be discussed in a meeting that has been closed
128 under section 610.022, RSMo, and shall not be subject to the provisions of sections 109.200
129 to 109.310, RSMo.

130 **16. The Missouri propane gas commission hereby preempts the field of regulating**
131 **the inspection of and providing specifications for propane as regulated in this section and**
132 **subsequent standards, regulations, and codes as adopted by the state. It shall be unlawful**
133 **for any political subdivision to impose by ordinance, order, or regulation any restriction**
134 **on the use, sale, installation, maintenance, or repair of propane as regulated by this**
135 **chapter.**

136 **17. A commissioner shall be removed from office by the governor for misfeasance,**
137 **malfeasance, or willful neglect of duty or other cause after notice and public hearing,**
138 **unless such notice or hearing shall be expressly waived in writing.**

139 **18. The executive director or any designated employee shall have free access,**
140 **during reasonable hours, to any premises in the state where an installation covered by this**
141 **chapter is being constructed, or is being installed, for the purpose of ascertaining whether**
142 **said installation is being constructed and installed in accordance with the applicable**
143 **provisions.**

323.060. 1. No person or company shall engage in this state in the business of selling
2 at retail of liquefied petroleum gas or in the business of handling or transportation of liquefied
3 petroleum gas over the highways of this state without having first registered with the director of
4 the [department of agriculture] **commission**. Registration must be in the appropriate class as
5 determined by the director.

6 2. No person or company shall engage in this state in the business of installing,
7 modifying, repairing, or servicing equipment and appliances for use with liquefied petroleum gas
8 without having first registered with the director of the [department of agriculture] **commission**.
9 Registration must be in the appropriate classes as determined by the director.

10 3. Nonresidents of the state of Missouri desiring to engage in the business of distribution
11 of liquefied petroleum gases at retail, or the business of installing, repairing or servicing
12 equipment and appliances for use of liquefied petroleum gases, shall comply with sections
13 [323.010] **323.005** to 323.110 and rules and regulations promulgated hereunder.

14 4. No person registered pursuant to this section and engaged in this state in the business
15 of selling at retail of liquefied petroleum gas or in the business of handling or transportation of
16 liquefied petroleum gas over the highways of this state shall be liable for actual or punitive civil
17 damages for injury to persons or property that result from any occurrence caused by the
18 installation, modification, repair, or servicing of equipment and appliances for use with liquefied

19 petroleum gas by any other person unless such registered person had received written notification
20 or had other actual knowledge of such installation, modification, repair, or servicing of
21 equipment and appliances and failed to inspect such installation, modification, repair, or
22 servicing of equipment and appliances within thirty days after receipt of such notice or actual
23 knowledge.

24 5. Nothing in this section is intended to limit the liability of any person for any damages
25 that arise directly from the gross negligence or willful or wanton acts of such person.

26 6. All utility operations of public utility companies subject to the safety jurisdiction of
27 the public service commission are exempt from the provisions of this section.

28 7. Persons who only sell liquefied petroleum gas in containers having a capacity of fifty
29 pounds or less that have been filled by another person registered under this chapter are exempt
30 from the provisions of this section.

323.075. 1. Every person required to be registered under subsection 1 of section 323.060
2 shall demonstrate financial responsibility for compensating third parties for bodily injury and
3 property damage caused by the release of liquefied petroleum gas. The minimum amount of
4 financial responsibility shall be one million dollars per occurrence with an annual aggregate of
5 two million dollars.

6 2. A person may demonstrate financial responsibility required in subsection 1 of this
7 section either by self insurance or by being insured in the manner set forth in this section.

8 3. A registrant may demonstrate financial responsibility by obtaining liability insurance
9 in the required amounts as an endorsement to an existing policy or as a separate policy issued
10 by an insurance company authorized by the department of insurance to transact the business of
11 insurance in the state of Missouri. The endorsement or policy shall include a requirement that
12 the insurance company deliver a copy of any final notice of cancellation to the [department of
13 agriculture] **commission** at the same time such a notice is provided to the insured. A copy of the
14 certificate of insurance evidencing such coverage shall accompany any original application. The
15 original insurance policy, any relevant endorsements, and the certificate of insurance must be
16 made available upon request for examination and copying by the department of agriculture.

17 4. The director may promulgate regulations governing acceptable forms of self insurance.

18 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
19 is created under the authority delegated in this section shall become effective only if it complies
20 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
21 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
22 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
23 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

24 grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
25 invalid and void.

26 6. The provisions of this section shall become effective on January 1, 2006.

323.080. 1. The director of the [department of agriculture] **commission** may suspend
2 any registration filed hereunder if the registrant violates or fails to comply with any provision of
3 this chapter or the rules and regulations promulgated hereunder until the violation or failure is
4 corrected. It is unlawful to perform any of the acts for which registration is required while a
5 suspension is in effect.

6 2. Before suspension of any registration, written notice shall be given to the registrant
7 setting forth the action contemplated and the reasons therefor. The notice shall state the time and
8 place for a hearing on the contemplated action and shall be sent by registered mail to the
9 registrant at least ten days before the hearing. At the hearing the registrant may present evidence
10 as he deems fit. Upon suspension of a registration, notice shall be sent by registered mail to the
11 last known address of the registrant.

323.090. Any person who is aggrieved by a suspension order of the director of the
2 [department of agriculture] **commission** may appeal from the suspension order within ten days
3 after the mailing of the notice of suspension. The appeal shall be to the circuit court of the
4 county in which such person resides or has his principal place of business. The circuit court shall
5 review the record, permit the presentation of any additional evidence as the parties thereto may
6 desire, determine whether the evidence supports the order of suspension and enter a judgment
7 sustaining or overruling the suspension order.

323.100. The director of the [department of agriculture] **commission** shall annually
2 inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum
3 gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the
4 tolerances and specifications of the National Institute of Standards and Technology Handbook
5 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement
6 and sale which has been condemned. All condemned meters shall be conspicuously marked
7 "inaccurate", and the mark shall not be removed or defaced except upon authorization of the
8 director of the [department of agriculture] **commission** or his authorized representative. It is the
9 duty of each person owning or in possession of a meter to pay to the director of the [department
10 of agriculture] **commission** at the time of each test a testing fee [of ten dollars] **in an amount**
11 **determined by the Missouri propane gas commission**, except that the testing fee herein
12 provided for shall not be applied more than once in a calendar year to each meter tested.

323.105. 1. The fee for the inspections of propane installations deemed necessary
2 under this chapter shall be assessed by the Missouri propane gas commission at a rate per

3 odorized gallon that will approximately yield revenue equal to the expenses of
4 administering this chapter.

5 2. The commission shall set the initial assessment at no greater than one-tenth of
6 one cent per gallon. Thereafter, annual assessments shall be sufficient to cover the costs
7 of the plans and programs of the authority. The assessment shall not be greater than
8 twenty-five hundredths of one-half cent per gallon of odorized propane. The assessment
9 may not be raised by more than one-tenth of one cent per gallon annually.

10 3. The owner of propane immediately prior to odorization in this state or the owner
11 of odorized propane at the time of import into this state shall be responsible for the
12 payment of the assessment on the volume of propane at the time of import or odorization,
13 whichever is later. Assessments shall be remitted to the commission on a monthly basis by
14 the twenty-fifth of the month following the month of collection. Nonodorized propane shall
15 not be subject to assessment until odorized. For purposes of collection, all propane either
16 odorized at terminal locations in Missouri for delivery to either in-state storage locations
17 or propane odorized at terminal locations outside Missouri and delivered to Missouri as
18 identified on a bill of lading, shall be considered as assessable.

19 4. The director may by rule and with the concurrence of the commission, establish
20 an alternative means for the commission to collect the assessment if another means is found
21 to be more efficient and effective. The director may by rule establish a late payment
22 charge and rate of interest to be imposed on any person who fails to remit to the
23 commission any amount due under this chapter.

24 5. The Missouri propane gas commission shall set fees for permits, licenses, and
25 certificates required by this chapter. Fees shall be determined by the commission to
26 provide sufficient funds for the operation of the commission and its programs and shall be
27 set by rule promulgated in accordance with the provisions of section 323.020. The board
28 may alter the fee schedule once every two years. Any funds collected under this section
29 shall be deposited in the propane inspection fund.

30 6. There is hereby created in the state treasury the "Propane Inspection Fund",
31 which shall consist of all funds collected under this section. The state treasurer shall be
32 custodian of the fund and shall approve disbursements from the fund in accordance with
33 sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used
34 solely for the administration and enforcement of this chapter. Notwithstanding the
35 provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at
36 the end of the biennium shall not revert to the credit of the general revenue fund. The state
37 treasurer shall invest moneys in the fund in the same manner as other funds are invested.
38 Any interest and moneys earned on such investments shall be credited to the fund.

39 **7. No funds collected by the commission shall be used in any manner for**
40 **influencing legislation or for campaign contributions, except that the commission may**
41 **recommend to the director changes in this act or other statutes that would further the**
42 **purpose of the commission.**

 323.110. 1. Any person found in violation of any provision of sections [323.010]
2 **323.005** to 323.210 shall be deemed guilty of a class A misdemeanor. The prosecutor of each
3 county in which a violation occurs may bring an action hereunder. But if a prosecutor declines
4 to bring such action, then the attorney general may bring an action instead, and in so doing shall
5 have all the powers and jurisdiction of such prosecutor.

6 2. Any person who is found, upon investigation by the [department of agriculture]
7 **commission**, to be in possible violation of sections [323.010] **323.005** to 323.210 shall be
8 notified by certified mail of the facts constituting such violation, and shall be afforded an
9 opportunity by the director to explain such facts at an informal hearing to be conducted within
10 fourteen days of such notification. In the event that such person fails to timely respond to such
11 notification or upon unsuccessful resolution of any issues relating to an alleged violation, such
12 person may be summoned to a formal administrative hearing before [a department of agriculture
13 hearing officer] **the commission**. Said hearing shall be conducted in conformance with chapter
14 536, RSMo. If any person is found to have committed one or more violations of sections
15 [323.010] **323.005** to 323.210, such person may be ordered to cease and desist from such
16 violation, and the order shall be enforceable in any circuit court of competent jurisdiction, and,
17 in addition, the person may be required to pay a penalty of not more than five hundred dollars
18 per violation and five hundred dollars for each day such violation continues. Any party to such
19 hearing aggrieved by a determination of a hearing officer may, in accordance with chapter 536,
20 RSMo, appeal to the circuit court of the county in which such party resides, or if the party is the
21 state, in Cole County.

323.115. 1. Violations of this chapter may be referred to the attorney general for
2 **appropriate action, except that nothing shall be construed as requiring the director to refer**
3 **to the attorney general violations of this chapter whenever the director, at the direction of**
4 **the commission, believes that the administration and enforcement of the regulations would**
5 **be served adequately by administrative action under subsection 2 of this section or suitable**
6 **written notice or warning to any person committing the violations.**

7 2. Any person who fails or refuses to pay, collect, or remit any assessment or fee
8 required of the person by this chapter may be assessed a civil penalty by the director, at
9 the direction of the commission, of not less than five hundred dollars nor more than five
10 thousand dollars for each violation. Each violation shall be a separate offense. In addition,
11 or in lieu of such civil penalty, the director, at the direction of the commission, may issue

12 an order requiring the person to cease-and-desist from continuing the violation. No
13 penalty shall be assessed nor a cease-and-desist order issued unless the person is given
14 notice and opportunity for a hearing before the director with respect to the violation. The
15 order of the director, at the direction of the commission, assessing a penalty or imposing
16 a cease-and-desist order shall be final and conclusive unless the person affected by the
17 order files a petition for review under chapter 536, RSMo. Any person who fails to obey
18 a cease-and-desist order after it has become final shall be subject to a civil penalty assessed
19 by the director, after an opportunity for hearing before the director, of not more than five
20 hundred dollars for each offense. Each day that the failure continues shall be deemed a
21 separate offense. If any person fails to pay an assessment of a civil penalty after it has
22 become a final order, the director shall refer the matter to the attorney general for
23 recovery of the amount assessed in any appropriate circuit court of the state. In such
24 action, the validity and appropriateness of the final order imposing the civil penalty shall
25 not be subject to review.

323.210. 1. The director of the [department of agriculture] **commission** shall make,
2 promulgate and enforce regulations setting forth minimum general safety standards covering the
3 design, construction, location, installation and operation of compressed natural gas (CNG) motor
4 vehicle fuel systems and dispensing stations. The director shall also make, promulgate and
5 enforce regulations setting forth registration, training and examination requirements for persons
6 applying for or holding registration to ensure the safety of life and property.
7 2. No person shall engage in the business of installing or servicing compressed natural
8 gas motor fuel equipment or components or compressed natural gas dispensing stations or
9 components without first having registered with the director of the [department of agriculture]
10 **commission**.

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