

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. _____ Department or Agency Alabama Liquefied Petroleum Gas Board
Rule No. 530-X-2-.11
Rule Title: Code Familiarization Review
_____ New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ YES

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ NO

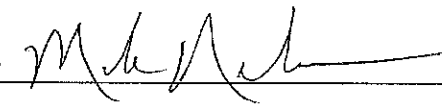
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ YES

Does the proposed rule have an economic impact? _____ NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date July 8, 2016

(DATE FILED)
(STAMP)

APA-2
07/04

ALABAMA LIQUEFIED PETROLEUM GAS BOARD

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

530-X-2-.11 "Code Familiarization Review"

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: To establish new competency testing requirements for personnel performing certain job functions within the LP-gas industry in Alabama.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held October 13, 2016 at 10:00 a.m., at the AUM Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL 36117.

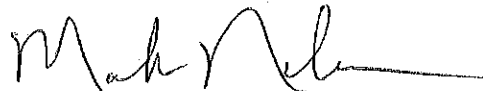
All interested parties may present their views in writing to the Administrator of the Alabama Liquefied Petroleum Gas Board, P.O. Box 1742, Montgomery, AL 36102-1742, (334-241-8887), or via email at mark.nelson@lpgb.alabama.gov. Individuals may also submit their views at the public hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 13, 2016 at the scheduled Public Hearing

CONTACT PERSON AT AGENCY:

Mark Nelson, Administrator
777 S. Lawrence St., Suite 100
Montgomery, AL 36104
Telephone: 334-241-8887
Fax: 334-240-3255
Email: mark.nelson@lpgb.alabama.gov



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board

530-X-2-.11 CODE FAMILIARIZATION REVIEW.

~~(a) Each permit holder shall request a copy of a Code Familiarization Review for each new employee to perform any task authorized under his/her permit. The Code Familiarization Review shall be requested within 30 days of employment and shall be administered within 90 days of employment or before an unsupervised work task is performed by the new employee. The examinee will certify that he/she has reviewed the Code Familiarization material and personally marked all answers on the Code Familiarization Review answer sheet. The permit holder or supervisor proctoring the Code Familiarization Review shall certify that the examinee marked the Code Familiarization answer sheet under his/her supervision. When required, a practical performance evaluation shall be administered on each new employee by a Board inspector. The completed Code Familiarization Review booklet shall be returned to the LP-Gas Board for evaluation and filing.~~

~~(b) The passing score of the Code Familiarization Review and practical performance evaluation will be determined by the Board in its discretion.~~

~~(c) If any of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.~~

530-X-2-.11 Employee Competency Requirements

- (1) Employees of Alabama LP-Gas Board permit holders must successfully complete applicable written competency examinations and/or practical evaluations administered by the board in order to perform LP-gas job functions regulated by the board in the State of Alabama. Successful completion of a written competency examination and/or practical evaluation for a specific job function shall be communicated by an endorsement credential on an *Employee Competency Card* issued by the board. An employee may perform job functions prior to acquiring an endorsement credential if actively supervised. Active supervision occurs when a supervisor is present during the performance of the job function. The active supervisor must have completed board requirements to perform that particular job function.
- (2) Employees seeking endorsement credentials for specific job functions must apply for written competency examination and/or practical evaluation on a form provided by the board. Written competency examinations and practical evaluations will be scheduled and proctored by board staff. Employees may add endorsement credentials as their job functions evolve and dictate, but the credentials must be acquired prior to performing new job functions unsupervised.
- (3) A score of 80 percent or higher shall constitute successful completion of written competency exams. Successful completion of a practical evaluation shall be determined by the board inspector performing said evaluation. An examinee may appeal a failed practical evaluation to the board administrator and board respectively.
- (4) Endorsement credentials earned under this regulation are transferrable with changes in employment, provided new employment is within three years and with an entity permitted by

the Alabama Liquefied Petroleum Gas Board to perform said job function(s). Following employment separation, endorsement credentials not transferred within a three-year time period are void and must be reacquired in accordance with this regulation. Transfer of endorsement credentials must be accomplished by the issuance of an updated *Employee Competency Card* from the board.

- (5) Employees must obtain endorsement credentials by completing the following requirements for applicable job functions they will perform unsupervised. The requirements for each job function shall be a written competency exam and/or a practical evaluation. Endorsement credentials are only valid with employment under specific permits as detailed below:

- (a) Bobtail Driver.....Written Exam.....(A & B-1 Permits)
- (b) Bulk Plant Installation / Repairs.....Written Exam.....(A, B-1, & D Permits)
- (c) Cargo Tank Inspection.....Practical Evaluation.....(A, B-1, & C-2 Permits)
- (d) Cylinder & Motor Fuel Dispensing.....Written Exam & Practical Evaluation.....(A, B-1, F, & F-1 Permits)
- (e) DOT Cylinder Requalification.....Practical Evaluation.....(A, B-1, & C-2 Permits)
- (f) Legal Compliance (Mandatory for all test applicants)...Written Exam.....(All Permits)
- (g) Engine Fuel Systems.....Written Exam.....(A, B-1, & C-1 Permits)
- (h) Meter Calibration.....Practical Evaluation.....(E Permits)
- (i) Railcar Loading / Unloading.....Practical Evaluation.....(A, B-1, & B Permits)
- (j) Service Technician (Recreational Vehicles)...Written Exam.....(A, B-1, & C Permits)
- (k) Service Technician (Residential & Commercial)..Written Exam.....(A, B-1, & C Permits)
- (l) Tank Install/Removal/Inspect (Non-Bulk Plant)...Written Exam.....(A & B-1 Permits)
- (m) Transport Driver.....Written Exam....(A, B-1, & B Permits)

- (6) For written competency examinations certain resource materials are allowed for use during the exam. However, any examinee caught writing in resource materials or otherwise attempting to transcribe or record any part of the written exam will be failed and dismissed from the examination. The resource material(s) will be retained by the exam proctor as evidence and returned at the proper time. Those dismissed from the examination must wait 90 days to reapply for examination. Examinees dismissed from the examination that refuse to yield the resource material(s) in question shall not be eligible to reapply for future examinations. The following resource materials will be allowed during examination but they will not be supplied by the Alabama LP-Gas Board:

- (a) NFPA 58 (Current Adopted Edition)
- (b) NFPA 54 (Current Adopted Edition)
- (c) Code of Federal Regulations Title 49 (49 CFR)
- (d) Alabama LP-Gas Board Administrative Code
- (e) Alabama LP-Gas Board Laws

- (7) Written competency examinations, regardless of the number of endorsement credentials sought, shall be limited to four hours per day for each examinee. Endorsement credentials may be obtained in stages if necessary.

- (8) This administrative code is not retroactive, and it shall not apply to permit holders and their employees that met board requirements to work unsupervised prior to adoption of this regulation. However, employees changing employment after adoption of this code or those who failed to successfully complete prior board testing and/or practical evaluation requirements must meet the requirements of this regulation as if a new employee in the industry.
- (9) If any part of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.