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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 837
DEPARTMENT OF THE STATE FIRE MARSHAL

FILED

09/25/2024 9:19 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Remove requirements for liquefied petroleum gas installations in RVs per SB 410, 2019.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/23/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Salem, OR 97302

Filed By:
Sara Zavala
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/23/2024

TIME: 10:00 AM - 11:00 AM

OFFICER: Sara Zavala

IN-PERSON HEARING DETAILS

ADDRESS: Oregon State Fire Marshal Building, 3991 Fairview Industrial Dr. SE, Salem, OR 97302

SPECIAL INSTRUCTIONS:

If no participants join or arrive by 10:15, the hearing may be concluded.

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-503-446-4951

CONFERENCE ID: 148249126

NEED FOR THE RULE(S)

The rule changes are required to conform to changes made in HB 410 (2019), which removed requirements for LP gas installations in recreational vehicles.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

<https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/SB410>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of the State Fire Marshal has not identified any racial equity impacts related to these rule amendments.

FISCAL AND ECONOMIC IMPACT:

There is no expected fiscal or economic impact with these rule amendments.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no expected economic effects with these rule amendments. The amendments remove requirements and are not expected to add additional burden to small businesses; there are no expected recordkeeping requirements and no expected costs for additional services or supplies.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Stakeholders representing various recreational vehicle and LPG businesses were consulted in the revision of the current rules through an advisory committee meeting.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

837-030-0120, 837-030-0130, 837-030-0190, 837-030-0200

AMEND: 837-030-0120

RULE SUMMARY: RV fitter license description deleted.

CHANGES TO RULE:

837-030-0120

Definitions ¶¶

(1) For the purpose of these rules, the following definitions apply to OAR 837-030-0100 through 837-030-0280.¶¶

(2) Application means the forms required by the State Fire Marshal to be completed and submitted to the State Fire Marshal.¶¶

(3) Bulk Plant is a facility where the primary function is to store LP-Gas prior to further distribution. LP-Gas is received by cargo tank vehicle, railroad tank car, or pipeline, and then distributed by portable container (package) delivery, by cargo tank vehicle, or through gas piping.¶¶

(4) Company License means the same as an Installation License defined in OAR 837-030-0120(142).¶¶

(5) Company Representative means an individual who has passed the installation examination administered by the State Fire Marshal and represents the company at a specific site.¶¶

(6) Delivery Unit means any unit that is used to deliver or transport liquefied petroleum gas.¶¶

(7) Examination means a document designed to test an applicant's knowledge regarding liquefied petroleum gas, its properties, related equipment and applicable safety regulations.¶¶

(8) Fitter License in general means a license issued to an individual who performs LP-Gas container and container appurtenance installation or replacement, and or, performs work on liquefied petroleum fuel gas systems including but not limited to, LP-gas containers, plumbing and pipe fitting, gas venting, installs, repairs or remodels any piping or venting, installs or repairs, connects, or disconnects any liquefied petroleum gas appliance. The specific types of Fitter Licenses are:¶¶

(a) HVAC Fitter - Required for all individuals who install or perform LPG work on HVAC equipment, including hearth products; does not include piping up to the final shut off valve upstream of the equipment (see Master Fitter);¶¶

(b) IC Fitter (Internal Combustion) - Required for all individuals who work on LPG fuel systems of LPG powered internal combustion engines;¶¶

(c) Master Fitter - Required for all individuals who perform LPG fuel gas plumbing work including but not limited

to, fitting or venting work, install or replace LP-Gas containers and container appurtenances, install, replace, repair or remodel any LP-Gas container, appliance, piping or venting. This license covers all areas of LPG work.¶¶

NOTE: Individuals licensed as a fitter prior to May 16, 2005, are considered a Master Fitter;¶¶

~~(d) RV Fitter – Required for all individuals who work on recreational vehicle LPG fuel gas systems (license not required for construction or warranty work for manufactured dwellings or recreational vehicles).¶¶~~

(9) Individual means one distinct, individual human being. It does not mean person.¶¶

(10) Installation means an LP-Gas container or containers set on a specific customer property with the intent of supplying fuel gas to utilization equipment. (See ORS 480.450(1)).¶¶

(11) Installer means, a licensed company who provides a licensed individual making the connection from an installation to a LP-Gas fuel gas system and who conducts required leak testing and ensures the installation and piping system are in compliance to applicable codes and standards.¶¶

(12) Installation License means a license issued to a company or business (hereinafter referred to as a Company License) that engages in or works at the business of installing LP-Gas containers and container appurtenances, installing extending, altering or repairing any liquefied petroleum fuel gas systems including but not limited to, gas appliances or piping, vent or flue connection pertaining to or in connection with liquefied petroleum gas installations. This includes the operation of delivery equipment on motorized vehicles.¶¶

(13) License means the official written permission granted by the State Fire Marshal for the purpose of working in the liquefied petroleum gas business.¶¶

(14) Liquefied Petroleum Gas means any liquid composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane or isobutene) and butylenes.¶¶

(15) Person means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts and other public corporations or subdivisions.¶¶

(16) Truck Equipment Operator License means a license issued to an individual who operates liquefied petroleum gas delivery equipment installed on a motorized vehicle.

Statutory/Other Authority: ORS 476, ORS 480

Statutes/Other Implemented: ORS 480.410

AMEND: 837-030-0130

RULE SUMMARY: NFPA standard for Recreational Vehicles deleted.

CHANGES TO RULE:

837-030-0130

Fire and Life Safety Standards ¶

(1) The following National Fire Protection Association Standards (NFPA) are hereby adopted by reference and are the Standards on which the examinations referenced in these rules will be primarily based:¶

(a) NFPA 54 - National Fuel Gas Code; (2021 Edition); and¶

(b) NFPA 58 - Liquefied Petroleum Gas Code (2020 Edition); and¶

~~(c) NFPA 1192 - Standard on Recreational Vehicles (2021 Edition).~~¶

(2) Whenever the following phrases or abbreviations appear in the above referenced standards, they mean the following:¶

(a) Authority Having Jurisdiction means the State Fire Marshal;¶

(b) National Electrical Code means the Oregon Electrical Specialty Code; and¶

(c) NFPA means the National Fire Protection Association.¶

(3) The State Fire Marshal has adopted the Oregon Fire Code, 2022 Edition for inspection and enforcement of liquefied petroleum gas installations pursuant to ORS 476.030(1) and 480.420(1). (Refer to OAR 837, division 40.)¶

(4) The State Fire Marshal recognizes the Oregon Building Codes Division inspection and enforcement authority on those portions of liquefied petroleum gas installations downstream of the first stage regulator. Depending on occupancy classification, these portions may be regulated under the Oregon Mechanical Specialty Code as adopted by OAR 918-440-0010 or the Oregon Residential Specialty Code as adopted by OAR 918-480-0005.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476.030, 480.420

Statutes/Other Implemented: ORS 480.420

AMEND: 837-030-0190

RULE SUMMARY: RV fitter removed from license types; adjusted numbering.

CHANGES TO RULE:

837-030-0190

Examinations ¶¶

(1) Persons applying for installation (company), fitter or truck equipment operator licenses must pass a written examination, administered by the State Fire Marshal, with a score of 80 percent or more of the questions answered correctly on each applicable section of the examination.¶¶

(2) Examinations for fitter and truck equipment operator licenses assess the individual's knowledge of liquefied petroleum gas, its properties, related equipment, and applicable codes, statutes and safety regulations.¶¶

(3) Examinations for the company representative assess the individual's knowledge of applicable codes, statutes, safety regulations, Oregon Revised Statutes and Oregon Administrative Rules that regulate and govern liquefied petroleum gas.¶¶

(4) License types and combinations are:¶¶

(a) Company Representative;¶¶

(b) Master Fitter;¶¶

(c) Truck Equipment Operator;¶¶

(d) Company Representative, Fitter, Truck Equipment Operator Combination;¶¶

(e) Company Representative, Fitter Combination;¶¶

(f) Company Representative, Truck Equipment Operator Combination;¶¶

(g) Fitter, Truck Equipment Operator Combination;¶¶

(h) IC Fitter;¶¶

(i) ~~RV Fitter;¶¶~~

(j) ~~HVAC Fitter;¶¶~~

(k) ~~Company Representative, RV Fitter;¶¶~~

(l) ~~HVAC Fitter;¶¶~~

(j) Company Representative, HVAC Fitter;¶¶

(mk) Company Representative, IC Fitter.¶¶

(5) Examinations are open book and administered on-line by the State Fire Marshal. No individual person completing an examination can use any information other than the information referenced in these rules to complete the examination, nor can they use any other means to obtain a passing score on the examination.¶¶

(6) Examinations will be based primarily on the standards referenced in OAR 837-030-0130, ORS 480.410 through 480.460, 480.990, and OAR 837-030-0100 through 837-030-0280.¶¶

(7) All applications to take examination must be made on a form provided by the State Fire Marshal and must be accompanied by the fee required in ORS 480.434.¶¶

(8) Upon receipt of a properly completed application and fee, the State Fire Marshal will provide the applicant with instructions to access the on-line examination.¶¶

(9) If an applicant fails to complete the examination within 30 days of having access to the examination, or fails to pass the examination, the applicant must submit to the State Fire Marshal a new application and fee pursuant to ORS 480.434.¶¶

(10) License holders and persons previously licensed are not required to complete new examinations unless a period of two years or more has elapsed from the date of their last license expiration date.¶¶

(11) Examinations are automatically graded and results provided to the applicant upon completion of the examination.¶¶

(12) The State Fire Marshal reserves the right to disqualify an applicant's examination score for valid cause.

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.434

AMEND: 837-030-0200

RULE SUMMARY: Clarified how a license may be issued.

CHANGES TO RULE:

837-030-0200

License Application, Approval, Issuance ¶¶

- (1) All license applications must be on a form provided by the State Fire Marshal.¶¶
- (2) License applications may not be submitted until the applicant has passed the appropriate qualifying examination.¶¶
- (3) The completed application form must contain the following:¶¶
 - (a) Applicant's name;¶¶
 - (b) Type of license applied for;¶¶
 - (c) Name and address of the company;¶¶
 - (d) Signature of the company representative; and¶¶
 - (e) Company number assigned by the State Fire Marshal.¶¶
- (4) Applications must be accompanied by the appropriate license fee.¶¶
- (5) Upon approval of the application, a license will be issued ~~and mailed~~ to the company.¶¶
- (6) Company licenses are valid for a period of one year from date of issue. Fitter and truck equipment operator licenses are valid for a period of two years from date of issue. If the examinee has not applied for and been issued a license within two years from the date of completion of the examination in which the passing score was received, the examination score will be invalid and the applicant must re-take and pass the examination.

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.434