

CHAPTER 279

LABOR AND INDUSTRY

HOUSE BILL 03-1099

BY REPRESENTATIVE(S) Brophy, Witwer, Young, Hoppe, Marshall, McFadyen, Salazar, Stafford, and Tochtrop;
also SENATOR(S) Hillman and Teck.

AN ACT

CONCERNING THE REGULATION OF LIQUEFIED PETROLEUM GAS BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly determines that the significant duties of the director of the division of oil and public safety would be more appropriately funded by imposing an environmental response surcharge on odorized liquefied petroleum gas (propane) instead of relying upon the statewide cost allocation agreement with the federal government. The general assembly further finds that this surcharge will ensure that the division continues to perform its duty of protecting the public health, safety, and welfare without imposing additional duties or functions upon the director of such division.

SECTION 2. 8-20-102 (1), Colorado Revised Statutes, is amended to read:

8-20-102. Duties of the director of the division of oil and public safety.
(1) The director of the division of oil and public safety shall make, promulgate, and enforce rules setting forth minimum and general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, ~~transporting by tank truck or tank trailer,~~ and utilizing liquid fuel products. Said rules shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such rules shall be adopted by the director of the division of oil and public safety in compliance with section 24-4-103, C.R.S.

SECTION 3. 8-20-104, Colorado Revised Statutes, is amended to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

8-20-104. Enforcement of law - penalties - definitions. (1) ~~It is the duty of the district attorneys, in their districts, and the attorney general, in cases where the district attorney refuses to act, to~~ THE DIRECTOR SHALL enforce the provisions of this ~~part~~ ARTICLE by appropriate actions in courts of competent jurisdiction.

(2) (a) THE DIRECTOR MAY ISSUE A NOTICE OF VIOLATION TO A PERSON WHO IS BELIEVED TO HAVE VIOLATED THIS ARTICLE OR RULES PROMULGATED PURSUANT TO THIS ARTICLE. THE NOTICE SHALL BE DELIVERED TO THE ALLEGED VIOLATOR PERSONALLY, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES RECEIPT AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(b) THE NOTICE OF VIOLATION SHALL ALLEGE THE FACTS THAT CONSTITUTE A VIOLATION AND THE RULE OR STATUTE VIOLATED.

(c) THE NOTICE OF VIOLATION MAY REQUIRE THE ALLEGED VIOLATOR TO ACT TO CORRECT THE ALLEGED VIOLATION.

(d) WITHIN TEN WORKING DAYS AFTER DELIVERY OF THE NOTICE OF VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST IN WRITING AN INFORMAL CONFERENCE WITH THE DIRECTOR CONCERNING THE NOTICE OF VIOLATION. IF THE ALLEGED VIOLATOR FAILS TO REQUEST SUCH CONFERENCE WITHIN TEN DAYS, THE NOTICE IS THEN FINAL, THE NOTICE IS NOT SUBJECT TO FURTHER REVIEW, AND ANY STATEMENT OF FACTS REQUIRED TO CORRECT THE ALLEGED VIOLATION PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (2) BECOME A BINDING ENFORCEMENT ORDER.

(e) UPON RECEIPT OF A REQUEST FOR AN INFORMAL CONFERENCE, THE DIRECTOR SHALL SET A REASONABLE TIME AND PLACE FOR SUCH CONFERENCE AND SHALL NOTIFY THE ALLEGED VIOLATOR OF SUCH TIME AND PLACE. AT THE CONFERENCE, THE ALLEGED VIOLATOR MAY PRESENT EVIDENCE AND ARGUMENTS CONCERNING THE ALLEGATIONS IN THE NOTICE OF VIOLATION.

(f) WITHIN TWENTY WORKING DAYS AFTER THE INFORMAL CONFERENCE, THE DIRECTOR SHALL UPHOLD, MODIFY, OR STRIKE THE ALLEGATIONS WITHIN THE NOTICE OF VIOLATION AND MAY ISSUE AN ENFORCEMENT ORDER. THE DECISION AND, IF APPLICABLE, ENFORCEMENT ORDER SHALL BE DELIVERED TO THE ALLEGED VIOLATOR PERSONALLY, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES RECEIPT AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(3) (a) A PERSON WHO IS THE SUBJECT OF AND IS ADVERSELY AFFECTED BY A NOTICE OF VIOLATION OR AN ENFORCEMENT ORDER ISSUED PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY APPEAL SUCH ACTION TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT. THE EXECUTIVE DIRECTOR SHALL HOLD A HEARING TO REVIEW SUCH NOTICE OR ORDER AND TAKE FINAL ACTION IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND MAY EITHER CONDUCT THE HEARING PERSONALLY OR APPOINT AN ADMINISTRATIVE LAW JUDGE FROM THE DEPARTMENT OF PERSONNEL.

(b) FINAL AGENCY ACTION SHALL BE SUBJECT TO JUDICIAL REVIEW PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

(c) AN ALLEGED VIOLATOR WHO IS REQUIRED TO CORRECT AN ACTION PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SHALL BE AFFORDED THE PROCEDURES SET FORTH IN SECTION 24-4-104 (3), C.R.S., TO THE EXTENT APPLICABLE.

(4) AN ENFORCEMENT ORDER ISSUED PURSUANT TO THIS SECTION MAY IMPOSE A CIVIL PENALTY, DEPENDING ON THE SEVERITY OF THE ALLEGED VIOLATION, NOT TO EXCEED FIVE HUNDRED DOLLARS PER VIOLATION FOR EACH DAY OF VIOLATION; EXCEPT THAT THE DIRECTOR MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS PER VIOLATION FOR EACH DAY OF VIOLATION THAT RESULTS IN, OR MAY REASONABLY BE EXPECTED TO RESULT IN, SERIOUS BODILY INJURY.

(5) THE DIRECTOR MAY FILE SUIT IN THE DISTRICT COURT IN THE JUDICIAL DISTRICT IN WHICH A VIOLATION IS ALLEGED TO HAVE OCCURRED TO JUDICIALLY ENFORCE AN ENFORCEMENT ORDER ISSUED PURSUANT TO THIS SECTION.

(6) FOR THE PURPOSES OF THIS SECTION:

(a) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY;

(b) "DIVISION" MEANS THE DIVISION OF OIL AND PUBIC SAFETY.

SECTION 4. Repeal. 8-20-105, Colorado Revised Statutes, is repealed as follows:

~~**8-20-105. Expenses of administration.** For the purpose of administering this article, there shall be appropriated from the highway users tax fund to the department of labor and employment each fiscal year such moneys as the general assembly may determine, upon presentation of a budget for that purpose in form and content in accordance with the provisions for submission of budget requests by state agencies.~~

SECTION 5. Part 1 of article 20 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-20-106. Confidentiality. (1) INFORMATION CONCERNING LIQUEFIED PETROLEUM GAS STORAGE TANKS OBTAINED UNDER THIS ARTICLE SHALL BE AVAILABLE TO THE PUBLIC; EXCEPT THAT ANY SPECIFIC INFORMATION THAT IS CONFIDENTIAL BY STATE OR FEDERAL LAW SHALL REMAIN CONFIDENTIAL.

(2) CONFIDENTIAL RECORDS MAY BE DISCLOSED TO OFFICERS, EMPLOYEES, OR AUTHORIZED REPRESENTATIVES OF THIS STATE OR OF THE UNITED STATES WHO HAVE BEEN CHARGED WITH ADMINISTERING THIS ARTICLE OR SUBCHAPTER I OF THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976", AS AMENDED. SUCH DISCLOSURE SHALL NOT CONSTITUTE A WAIVER OF CONFIDENTIALITY.

SECTION 6. 8-20-206.5 (1) (a), Colorado Revised Statutes, is amended, and the said 8-20-206.5 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

8-20-206.5. Environmental response surcharge - liquefied petroleum gas inspection fund. (1) (a) Every FIRST PURCHASER OF ODORIZED LIQUEFIED

PETROLEUM GAS, EVERY manufacturer of fuel products who manufactures such products for sale within Colorado or who ships such ~~fuel~~ products from any point outside of Colorado to a distributor within Colorado and every distributor who ships ~~fuel~~ SUCH products from any point outside of Colorado to a point within Colorado shall pay to the executive director of the department of revenue, on or before the twenty-fifth day of each calendar month, EITHER twenty-five dollars per tank truckload of fuel PRODUCTS delivered during the previous calendar month for sale or use in Colorado OR THE FEE FOR ODORIZED LIQUEFIED PETROLEUM GAS AS SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (1), WHICHEVER IS APPLICABLE. Such payment shall be made on forms ~~which are~~ prescribed and furnished by the executive director. The provisions of this section shall not apply to fuel ~~which~~ THAT is especially prepared and sold for use in aircraft or railroad ~~cars~~ LOCOMOTIVES. ~~The surcharge imposed by this subsection (1) is effective July 1, 1989.~~

(d) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (1), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL HAVE THE AUTHORITY TO DETERMINE AND ADJUST A FEE FOR ODORIZED LIQUEFIED PETROLEUM GAS, NOT TO EXCEED TEN DOLLARS PER TANK TRUCKLOAD.

(e) (I) THERE IS HEREBY CREATED THE LIQUEFIED PETROLEUM GAS INSPECTION FUND, WHICH FUND SHALL BE A SPECIAL PURPOSE ACCOUNT WITHIN THE PETROLEUM STORAGE TANK FUND CREATED PURSUANT TO SECTION 8-20.5-103. SUCH FUND SHALL CONSIST OF:

(A) LIQUEFIED PETROLEUM GAS INSPECTION MONEYS COLLECTED PURSUANT TO THIS ARTICLE;

(B) CIVIL PENALTIES COLLECTED AS A RESULT OF COURT ACTIONS PURSUANT TO SECTION 8-20-104;

(C) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY; AND

(D) ANY MONEYS GRANTED TO THE DEPARTMENT FROM A FEDERAL AGENCY OR TRADE ASSOCIATION FOR ADMINISTRATION OF THE DEPARTMENT'S LIQUEFIED PETROLEUM GAS INSPECTION PROGRAM.

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL ADJUST THE FEES COLLECTED PURSUANT TO THIS ARTICLE SO THAT THE BALANCE OF UNEXPENDED AND UNENCUMBERED MONEYS IN THE LIQUEFIED PETROLEUM GAS INSPECTION FUND DOES NOT EXCEED THE AMOUNT NECESSARY TO ACCUMULATE AND MAINTAIN IN THE LIQUEFIED PETROLEUM GAS INSPECTION FUND A RESERVE SUFFICIENT TO DEFRAY ADMINISTRATIVE EXPENSES OF THE DIVISION OF OIL AND PUBLIC SAFETY FOR A PERIOD OF TWO MONTHS.

(III) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. MONEYS IN THE FUND SHALL ONLY BE USED FOR COSTS RELATED TO:

(A) INITIAL AND SUBSEQUENT INSPECTIONS OF LIQUEFIED PETROLEUM GAS INSTALLATIONS;

(B) PROVING, INCLUDING CALIBRATING AND ADJUSTING, LIQUEFIED PETROLEUM GAS METERS AND DISPENSERS;

(C) ABATEMENT OF FIRE AND SAFETY HAZARDS AT LIQUEFIED PETROLEUM GAS INSTALLATIONS;

(D) INVESTIGATION OF REPORTED LIQUEFIED PETROLEUM GAS THAT REQUIRES STATE MATCHING DOLLARS;

(E) ANY FEDERAL PROGRAM PERTAINING TO LIQUEFIED PETROLEUM GAS THAT REQUIRES STATE MATCHING DOLLARS;

(F) LIQUEFIED PETROLEUM GAS PRODUCT QUALITY TESTING;

(G) ADMINISTRATIVE COSTS, INCLUDING COSTS FOR CONTRACT SERVICES; AND

(H) DEFRAYING THE SALARIES AND OPERATING EXPENSES INCURRED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT IN THE ADMINISTRATION OF THIS ARTICLE AS IT PERTAINS TO LIQUEFIED PETROLEUM GAS INSTALLATIONS, METERS, AND DISPENSERS. SUCH MONEYS SHALL BE APPROPRIATED FOR SUCH PURPOSES BY THE GENERAL ASSEMBLY.

(IV) THE MONEYS IN THE LIQUEFIED PETROLEUM GAS INSPECTION FUND AND ALL INTEREST EARNED ON THE MONEYS IN THE FUND SHALL REMAIN IN SUCH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR.

SECTION 7. 8-20-213 (3) (d), Colorado Revised Statutes, is amended to read:

8-20-213. Recycled or used motor oil - legislative declaration - definitions - sale. (3) (d) Notwithstanding ~~section 8-20-229~~ SECTION 8-20-104, a person found guilty of violating this subsection (3) shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars for the first offense. A person found guilty of a second or subsequent offense shall be enjoined from selling or distributing used oil for not less than one year and not more than five years.

SECTION 8. 8-20-225 (1), Colorado Revised Statutes, is amended to read:

8-20-225. Measuring device - sealing - approval of prover and procedure.

(1) No person, or agent or employee of any person, shall use any meter or mechanical device for the measurement of oil, gasoline, or liquid fuels unless the same has been proved in a manner acceptable to the director of the division of oil and public safety and sealed as correct by the director or one of the director's deputies. The director and the director's deputies are further authorized, if any such meter or mechanical device fails to comply with any of the provisions of this part 2, to seal the meter or mechanical device in a manner that prohibits its use until such meter or mechanical device complies with all of the provisions of this part 2, at which time the seal shall be removed by the director or the director's deputies. ~~Any person, or agent or employee of any person, who changes or in any way tampers with the seal shall be subject to the penalties provided in section 8-20-229, except as provided for in section 8-20-408 (2).~~

SECTION 9. 8-20-226, Colorado Revised Statutes, is amended to read:

8-20-226. False labels unlawful. No label upon, or invoice for, any lubricating oil or grease shall contain any untrue or misleading statement, and any person, agent, or employee of any person, who substitutes any oil or grease for any other brand, without notice, shall be subject to the penalties prescribed in ~~section 8-20-229~~ SECTION 8-20-104.

SECTION 10. Repeal. 8-20-229, Colorado Revised Statutes, is repealed as follows:

~~**8-20-229. Penalty.** Any person, firm, or corporation, or any officer, agent, servant, or employee thereof, who violates any provision of this part 2 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Each separate sale or attempt to sell in violation of the provisions of this part 2 is a separate offense.~~

SECTION 11. 8-20-305, Colorado Revised Statutes, is amended to read:

8-20-305. Penalty for violation. ~~Any person who fails to comply with any of the provisions of this part 3 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.~~ ANY FUEL DISTRIBUTOR WHO FILLS A FUEL TANK WITH LIQUIFIED PETROLEUM GAS WITHOUT THE APPROVAL OF THE OWNER OF THE TANK SHALL BE LIABLE IN A CIVIL ACTION FOR TREBLE DAMAGES IN ADDITION TO COSTS AND REASONABLE ATTORNEY FEES.

SECTION 12. Repeal. 8-20-401 (1), (4), (5), and (7), Colorado Revised Statutes, are repealed as follows:

8-20-401. Definitions. As used in this part 4, unless the context otherwise requires:

- ~~(1) "ASTM" means the American society of testing materials.~~
- ~~(4) "HD-5" means the grade of propane specified as HD-5.~~
- ~~(5) "HG" means the chemical mercury.~~
- ~~(7) "PSIG" means the pressure exerted in pounds per square inch gauge.~~

SECTION 13. 8-20-402, Colorado Revised Statutes, is amended to read:

8-20-402. Rules of the director of the division of oil and public safety. The director of the division of oil and public safety shall make, promulgate, and enforce rules setting forth minimum general standards ~~not inconsistent~~ CONSISTENT with the provisions of section 8-20-405 covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting, ~~by tank truck or tank trailer~~ DISPENSING, and utilizing liquefied petroleum gases, and

specifying the odorization of said gases and the degree thereof and the odorizing agent to be used therein. These rules shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using these materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such rules shall be adopted by the director of the division of oil and public safety only after a public hearing thereon.

SECTION 14. Repeal. 8-20-403, Colorado Revised Statutes, is repealed as follows:

~~**8-20-403. Penalty for violation.** It is unlawful for any person, firm, association, or corporation to violate any of the provisions of sections 8-20-401 to 8-20-404 or of the rules of the director of the division of oil and public safety made pursuant thereto. Any person, firm, association, or corporation violating any of the provisions of sections 8-20-401 to 8-20-404, or rules made under sections 8-20-402 and 8-20-404, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.~~

SECTION 15. 8-20-405, Colorado Revised Statutes, is amended to read:

8-20-405. Minimum standards. (1) The design, construction, location, installation, and operation of liquefied petroleum gas systems and equipment, and the transportation and handling of liquefied petroleum gas, and the odorization of liquefied petroleum gas, the degree thereof, and the odorizing agent to be used therein, shall conform to the minimum standards therefor as prescribed by the applicable sections of the ~~current~~ 2001 edition of the national fire code published by the national fire protection association, ~~1 Battery March Park, Quincy, Massachusetts~~ as revised by the association from time to time. The minimum standards as prescribed in this section shall also apply to marine and pipeline terminals, natural gasoline plants, refineries, tank farms, underground storage facilities such as salt and coal mines, aboveground storage facilities, and to chemical plants utilizing liquefied petroleum gas in the manufacture of their products. Copies of the pamphlets shall be kept and maintained in the office of the director of the division of oil and public safety at all times for examination by any interested person.

(2) ANY CHANGES TO ANY STANDARDS PROMULGATED BY THE NATIONAL FIRE PROTECTION ASSOCIATION AFTER JANUARY 1, 2003, SHALL BE REVIEWED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. AFTER SUCH REVIEW, THE DIRECTOR MAY ADOPT SUCH CHANGES BY RULE.

SECTION 16. 8-20-408 (1), Colorado Revised Statutes, is amended to read:

8-20-408. Meter inspection. (1) No person, firm, partnership, or corporation shall use a liquefied petroleum gas liquid metering system for the sale of liquefied petroleum gas unless the system has been inspected, approved, and sealed by the director of the division of oil and public safety. Operation or use of a liquefied petroleum gas liquid metering system that has not been properly inspected and sealed constitutes a violation of sections 8-20-405 to ~~8-20-412~~ 8-20-411, except under the circumstances outlined in subsection (2) of this section.

SECTION 17. 8-20-409, Colorado Revised Statutes, is amended to read:

8-20-409. Requirements for appliances. (1) ~~All domestic water heaters and room heating equipment shall be properly vented.~~

(2) ~~Approval by the director of the division of oil and public safety of industrial gas consuming Appliances AND COMPONENTS shall NOT be obtained prior to their use in this state. Such appliances include gas consuming equipment such as heat treating ovens or furnaces; process equipment; internal combustion engines; salamanders; tar pots; lead melting equipment; galvanizing, pickling, or process tanks; linotype machines; industrial torches; traveling ovens and furnaces; paint burning torches; cutting torches; industrial boilers; laboratory burner equipment; jewelry and dental torches; industrial and agricultural dryer equipment; and similar gas consuming appliances. The owner or operator of any such appliance shall notify the director of the division of oil and public safety who shall inspect such appliance within a reasonable time thereafter~~ USED OR INSTALLED UNLESS CERTIFIED BY OR LISTED IN STANDARDS ESTABLISHED BY RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY PURSUANT TO SECTION 8-20-102.

SECTION 18. 8-20-411 (1), Colorado Revised Statutes, is amended to read:

8-20-411. Location and charging of containers. (1) Permanently installed American petroleum institute-American society of mechanical engineers OR UNITED STATES DEPARTMENT OF TRANSPORTATION containers or surface transportation board containers provided with excess flow or back-flow check valves shall be located and filled in accordance with the applicable requirements of basic rules of the national fire code described in section 8-20-405. Private streets, roads, or rights-of-way shall not be classed as public streets or highways for the purpose of sections 8-20-405 to ~~8-20-412~~ 8-20-411.

SECTION 19. Repeal. 8-20-412, Colorado Revised Statutes, is repealed as follows:

8-20-412. Violations of sections 8-20-405 to 8-20-414. ~~Any person, firm, partnership, or corporation or any officer, agent, servant, or employee thereof who violates any provision of sections 8-20-405 to 8-20-414 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. Each separate violation of the provisions of sections 8-20-405 to 8-20-414 constitutes a separate offense.~~

SECTION 20. 8-20-413, Colorado Revised Statutes, is amended to read:

8-20-413. Specifications of liquefied petroleum gas as defined in the GPA 2140. (1) ~~Commercial grade propane (LPG)~~ LIQUEFIED PETROLEUM GAS shall comply with the following specifications of GPA 2140, "LIQUEFIED PETROLEUM GAS SPECIFICATION", AS REVISED AS OF JANUARY 1, 2003, INCLUDING REVISIONS THAT REFER TO ASTM INTERNATIONAL TEST OF SPECIFICATIONS.

(a) ~~"Corrosive compounds"~~ shall pass GPA copper strip corrosion tests as further

~~described in ASTM method D-1838-84;~~

~~(b) "Dryness" shall pass GPA cobalt bromide test or ASTM D-2713 valve freeze method;~~

~~(c) "Vapor pressure", at one hundred degrees Fahrenheit, shall not be more than 208 PSIG;~~

~~(d) "Ninety-five percent boiling point" is the temperature at which the amount of volume of the gas evaporated shall be minus thirty-seven degrees Fahrenheit or lower when corrected to a barometric pressure of 760mm HG;~~

~~(e) "Residue" shall pass nonvolatile residue and oil ring tests according to the GPA method;~~

~~(f) "Sulfur content" shall pass ASTM D-2784-80 tests.~~

~~(2) Motor fuels grade propane (HD-5) specifications shall be identical to commercial grade propane (LPG), except that composition shall be at least ninety percent liquid volume of propane and shall not be more than five percent liquid volume propylene.~~

~~(3) ANY CHANGES TO ANY STANDARDS PROMULGATED BY THE GPA AFTER JANUARY 1, 2003, SHALL BE REVIEWED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. AFTER SUCH REVIEW, THE DIRECTOR MAY ADOPT ANY SUCH CHANGES BY RULE.~~

SECTION 21. 13-4-102 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

(jj) REVIEW ALL FINAL ACTIONS AND ORDERS APPROPRIATE FOR JUDICIAL REVIEW OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, AS PROVIDED IN SECTION 8-20-104, C.R.S.

SECTION 22. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the liquefied petroleum gas inspection fund created pursuant to section 8-20-206.5 (1) (e) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2003, the sum of two thousand three hundred two dollars (\$2,302), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the liquefied petroleum gas inspection fund created pursuant to section 8-20-206.5 (1) (e) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for the fiscal year beginning July 1, 2003, the sum of one hundred forty-three thousand eight hundred twenty-three dollars (\$143,823), or so much thereof as may be necessary, for the implementation of this act. The general assembly has determined that this act can be implemented with contract services, and therefore no separate appropriation of FTE authority is

necessary to carry out the purposes of this act.

SECTION 23. Applicability. This act shall apply to acts committed on or after the effective date of this act.

SECTION 24. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2003