

By: Senator(s) Kirby

To: Public Utilities

SENATE BILL NO. 2686

1 AN ACT TO AMEND SECTION 75-57-49, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE LIQUEFIED COMPRESSED GAS PERMITTEES TO OBTAIN ANNUAL  
3 RENEWAL PERMITS; TO REQUIRE THAT PERSONS WHO ENGAGE IN FILLING  
4 CYLINDERS AND MOTOR FUEL TANKS WITH LIQUEFIED COMPRESSED GAS SHALL  
5 CARRY CERTAIN AUTOMOBILE PUBLIC LIABILITY INSURANCE; AND FOR  
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 19.** Section 75-57-49, Mississippi Code of 1972, is  
9 amended as follows:

10 75-57-49. Before any person shall be granted a permit to, or  
11 shall engage in or continue in the business of the distributing,  
12 either wholesale or retail, installing, altering, extending,  
13 changing or repairing of any liquefied compressed gas system,  
14 appliance or container, or in the business of distributing and  
15 selling liquefied compressed gas, either at wholesale or retail,  
16 whether from trucks or other vessels, in cylinders or in any other  
17 manner, such person shall satisfy the State Liquefied Compressed  
18 Gas Board that he or she is financially responsible; and this  
19 provision as to financial responsibility shall be met by such  
20 person by filing with the State Liquefied Compressed Gas Board  
21 evidence that he or she has in force such of the hereinafter  
22 listed insurance policies on standard contract forms and written  
23 by an insurance company, or companies, qualified to do business in  
24 the State of Mississippi, as the State Liquefied Compressed Gas  
25 Board shall require, based upon those activities listed above in  
26 which such person is engaged, to wit:

- 27 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR**
- 28 **FUEL TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES**
- 29 **OR ANY PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS**



30           **CARBURETION OR APPLIANCES:**

	Limits of Liability	
	Each	
	Occasion	Aggregate
34 Manufacturers and Contractors		
35       Public Liability	\$100,000	\$300,000
36       Products Liability	\$100,000	\$300,000
37       Workers' Compensation and		
38       Employers' Liability		
39       Insurance	State Statute	
40 <u>Automobile Public Liability</u>	<u>State Statute</u>	

41           **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**  
42           **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER FILLING**  
43           **LOCATIONS:**

	Limits of Liability		
	Bodily Injury		Property
	Each	Each	Damage Each
	Person	Accident	Accident
48       Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
49	Each		
50	Occasion	Aggregate	
51 Manufacturers and Contractors			
52       Public Liability	\$1,000,000	\$1,000,000	
53       Products Liability	\$1,000,000	\$1,000,000	
54       Workers' Compensation and			
55       Employers' Liability			
56       Insurance	State Statute		

57           The State Liquefied Compressed Gas Board shall not require  
58 insurance coverage as specified above unless the hazard of  
59 liquefied compressed gases is involved.

60           No policy issued under the provisions of this chapter may be  
61 cancelled before thirty (30) days from the date of receipt by the



62 Commissioner of Insurance of written notice of intention to cancel  
63 such policy.

64 It is expressly provided, however, that in lieu of filing  
65 with the State Liquefied Compressed Gas Board evidence that such  
66 insurance, as outlined above, is in force, any such person may  
67 file with the State Liquefied Compressed Gas Board a good and  
68 sufficient surety bond executed by a surety company licensed to do  
69 business in this state in the amount of One Million Dollars  
70 (\$1,000,000.00), which said bond shall be payable to the State of  
71 Mississippi and shall be conditioned to guarantee the payment of  
72 all damages which proximately result from any act of negligence on  
73 the part of such person, or their agents or employees, while  
74 engaged in any of the activities herein specified. In lieu of  
75 such surety bond, any such person may execute and file a good and  
76 sufficient personal bond in the amount and conditioned as  
77 specified above, which said personal bond shall be secured by  
78 bonds or other obligations of the State of Mississippi or the  
79 United States government, of equal value. Beginning July 1, 2003,  
80 every person, including current permittees, shall apply for and  
81 obtain a permit from the board. The original permit fee and all  
82 annual renewals thereof shall be due as set forth herein. The fee  
83 shall be paid to the board in such a manner as the board may  
84 require. All funds received by the board shall be deposited in a  
85 special fund account in the State Treasury to the credit of the  
86 Department of Insurance. The original permit fee and all annual  
87 renewals thereof shall be Fifty Dollars (\$50.00), except for  
88 filling station dealers which shall be Twenty-Five Dollars  
89 (\$25.00).

90 Beginning July 1, 2003, every permit issued under this  
91 chapter shall be issued annually and shall expire on June 30  
92 following the date upon which it was issued. Permit fees shall  
93 not be prorated for the remainder of the year in which the  
94 application was made but shall be paid for the entire year



95 regardless of the date of the application. The board shall on or  
96 before April 30 of each year, forward a "notice of renewal," by  
97 regular United States mail, to each permittee at his or its last  
98 known mailing address.

99       Upon compliance with the provisions of this section, where  
100 such compliance is required, and upon compliance with all other  
101 provisions of this chapter, the State Liquefied Compressed Gas  
102 Board shall issue to such dealer a permit to engage in such  
103 business, but not before. The failure of the permittee to obtain  
104 a renewal permit on or before June 30 of the ensuing permit period  
105 shall act as an automatic revocation of the permit. During the  
106 period of revocation, any practice by the permittee under the  
107 color of such permit shall be deemed a violation of this chapter.

108       **SECTION 2.** This act shall take effect and be in force from  
109 and after July 1, 2003.

