



Rules of
Department of Agriculture
Division 90—Weights, Measures and Consumer
Protection
Chapter 10—Liquefied Petroleum Gases

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**Title 2—DEPARTMENT OF
AGRICULTURE**
**Division 90—Weights, Measures and
Consumer Protection**
**Chapter 10—Liquefied Petroleum
Gases**

2 CSR 90-10.001 Definitions and General Provisions

PURPOSE: This rule reflects the terms of the Missouri Propane Safety Commission.

(1) Definitions. The following words and phrases shall mean:

(A) "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;

(B) "Autogas," term used for liquefied petroleum gas (LP gas) when it is used as a fuel in internal combustion engines in vehicles for highway use;

(C) "Commission," the Missouri Propane Safety Commission;

(D) "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;

(E) "Director," the executive director of the commission;

(F) "Director of the Missouri Department of Agriculture," the director of the Missouri Department of Agriculture or their designee;

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

(H) "Liquefied petroleum gas," any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes;

(I) "Motor vehicle," all vehicles except those operated on rails which are propelled by internal combustion engines and are used or designed for use in the transportation of a person or persons or property;

(J) "Person," any individual, group of individuals, partnership, association, cooperative, corporation, or any other entity;

(K) "Producer," the owner of the propane at the time it is recovered at a manufacturing

facility, irrespective of the state where production occurs;

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

(M) "Propane autogas dispenser," an assembly, equipped with low emission transfer connections, specifically for dispensing liquid propane into containers permanently mounted on over the road vehicles;

(N) "Propane dispenser," an assembly of equipment in which LP-Gas is stored and dispensed into portable or vehicular mounted containers;

(O) "Public member," a member of the commission who is a resident of Missouri, is a user of odorized propane, and is not related by the third degree of consanguinity to any retailer or wholesale distributor of propane;

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

(Q) "Third party," a person or entity who is neither the student nor the instructor;

(R) "Transport," combination vehicle or vehicle used to haul propane for non-metered delivery;

(S) "Wholesaler," "broker," or "reseller," a seller of propane who is not a producer and who does not sell propane to the ultimate consumer; and

(T) "Marked liquefied petroleum gas container" a liquefied gas container with a marking of any kind identifying the name of the owner thereof.

AUTHORITY: sections 323.010 and 323.030, RSMo 2016. Original rule filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Amended: Filed June 16, 2014, effective Jan. 30, 2015. Non-substantive change filed July 1, 2016, published Aug. 31, 2016. Amended: Filed July 1, 2016, effective Feb. 28, 2017. Amended: Filed July 10, 2019, effective Jan. 30, 2020.*

**Original authority: 323.010, RSMo 1947, amended 1994, 2007, 2014 and 323.030, RSMo 1947.*

2 CSR 90-10.010 Installing, Metering, Transporting, Licensing for LPG
(Rescinded November 11, 1977)

AUTHORITY: section 323.020, RSMo 1969. Original rule filed Sept. 8, 1969, effective Sept. 18, 1969. Rescinded: Filed July 13, 1977, effective Nov. 11, 1977.

2 CSR 90-10.011 Inspection Authority—Duties

PURPOSE: This rule sets out the authority and duties of the inspection authority and has been developed in the interest of safety to life and property. These rules do not apply to public utilities regulated by the Missouri Public Service Commission.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The director is the officer in charge of the safety in the storage, handling, and use of liquefied petroleum gas of the Missouri Propane Safety Commission referred to as the inspection authority.

(A) The director of the Missouri Department of Agriculture is the officer in charge of the collection of meter inspection fees and liquefied petroleum gas (LP gas) meter inspections.

(2) The inspection authority shall have discretionary authority to require annual leak testing of all LP gas piping systems serving schools, churches, nursing homes, resorts, mobile home parks, public housing, hospitals, amusement parks, summer camps (Boy Scout, Girl Scout, church, etc.), and other public buildings and institutions. It shall be the responsibility of the owner, administrator, superintendent, director, or other responsible person directly associated with any of the piping systems serving any of the listed public buildings, mobile home parks, summer camps (Boy Scout, Girl Scout, church, etc.), amusement parks, and institutions to assume full responsibility to secure the annual leak test of the LP gas system on or before September 1 of each calendar year with the exception of summer camps and amusement parks which shall be completed on or before May 1 of each calendar year. A copy of the test report shall be submitted to the inspection authority within five (5) days after completion of the test. Failure to complete the required annual leak tests may be due cause to consider the LP gas system unsafe for continued use and shall be reason to place the system out-of-service until the time a leak test is completed and the system found to be free of leaks and safe for continued operation.



(3) The standards for storage and handling of LP gases and the standards for the installation of gas appliances and gas piping as published in the National Fire Protection Association publications, Numbers 54, 2015 edition; 58, 2017 edition. All publications are published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, which are incorporated by reference, and will be adhered to by the inspection authority in the course of administering its duties. This rule does not incorporate any subsequent amendments or additions to the referenced material. These are adopted as rules in 2 CSR 90-10.020, 2 CSR 90-10.040, 2 CSR 90-10.060, and 2 CSR 90-10.090.

(4) For the purpose of ascertaining whether any container or system complies with all rules regulating the storage and handling of LPGs and the installation of appliances and piping—

(A) The inspection authority and/or the authorized agents, deputies, and inspectors shall have free access, at reasonable times and upon reasonable notice, to any premises where a LP gas container or system is offered for sale, stored, being repaired, installed, or being used; and

(B) Owners, operators, drivers, custodians, and occupants of transport vehicles, during reasonable hours and upon reasonable request of the inspection authority, shall permit inspection of that vehicle.

(5) Any person, firm, corporation, or others making LP gas installations or supplying fuel for installations, upon reasonable request, shall furnish reasonable and pertinent information as may be considered necessary by the inspection authority to determine that there is compliance with the rules.

(6) An exception to these regulations may be approved by the inspection authority after sufficient evidence is supplied showing that the exception will provide a level of safety at least equivalent to that contemplated by the regulations.

(7) The provisions of these regulations shall not be construed as prohibiting the continued use of an installation which received the written approval of the inspection authority at the time of installation or was in compliance with safety standards and codes at the time of installation, unless circumstances of a hazardous nature justify correction for the benefit of public safety.

(8) If the director determines that any LP gas container constitutes an immediate danger to the public or property, s/he shall require the immediate removal of liquid and vapor LP gas

from the container by a registered LP gas dealer or company. If the director determines that any LP gas appliance, equipment, or system constitutes an immediate danger to the public and property, s/he shall require the immediate disconnection by a registered LP gas dealer or company from the LP gas container.

AUTHORITY: section 323.020, RSMo 2016. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed April 3, 1990, effective June 28, 1990. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expired April 22, 2009. Amended: Filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Amended: Filed June 16, 2014, effective Jan. 30, 2015. Non-substantive change filed July 1, 2016, published Aug. 31, 2016. Amended: Filed July 1, 2016, effective Feb. 28, 2017.*

**Original authority: 323.020, RSMo 1947, amended 1994, 1998, 2005, 2007.*

2 CSR 90-10.012 Registration—Training

PURPOSE: This rule sets forth registration, training, and examination requirements for persons applying for or holding registrations to ensure the safety of life and property.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) As a prerequisite to registration in this state and receiving a numbered certificate of registration to engage in the business of selling at retail liquefied petroleum gas (LP gas), or in the business of handling or transporting LP gas over the highways of this state, or in the business of installing and servicing equipment and appliances for use with LP gas in this state, application shall be made to the director on forms, prescribed for this purpose with such reasonable information as shall be deemed necessary, which may be obtained

from the Missouri Propane Safety Commission at (573) 893-1073 and are incorporated by reference.

(2) Registration application approval will be granted upon meeting the requirements as referenced in form MPGC-1201, March 1, 2011, published by the Missouri Propane Safety Commission, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302 and incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.

(3) All persons applying for registration to engage in the business of handling or storing LP gases or in the business of installing, repairing, converting, or servicing piping, equipment, or appliances for use with LP gases shall be properly trained and experienced in the work, familiar with all safety precautions required, and comply with all requirements of Chapter 323, RSMo, and the rules pursuant to it.

(4) Every individual applying for registration to engage in the business of handling or storing LP gases or in the business of installing, repairing, converting, or servicing piping, equipment, or appliances for use with LP gases must score at least seventy-five percent (75%) on a written examination administered or authorized by the Missouri Propane Safety Commission before approval of registration will be granted.

(5) Every individual handling LP gases or servicing appliances or equipment within any business involved in handling or storing LP gases or involved in the installation, repairing, converting, or servicing of piping, equipment, or appliances for use with LP gases must attend and complete an initial training program as defined in 2 CSR 90-10.012(6), including the passing of a written examination.

(A) Every individual subject to the requirements of this section shall attend training at least once every three (3) years. New employees shall be trained by their employer until such time that training is available through a training program approved by the director. The employer, or individual if self-employed, is responsible for ensuring compliance with this section.

(B) Individuals whose only propane-related job duty is to fill vehicles with autogas using low-emission transfer as defined in NFPA 58 are exempt from the training requirement of this section, provided they are initially trained by the manufacturer or installer of the autogas system.

(6) Each training program's curriculum must



be based on the Propane and Education and Research Council (PERC) Certified Employee Training Program (CETP) or equivalent, structured to meet the trainee's needs, and contain information on applicable statutes and regulations governing liquefied petroleum gases. All training programs must be instructor-led by a commission-approved instructor, include hands-on training or a skills assessment, and include an exam which requires a passing score of at least seventy percent (70%) and graded by a third party. Programs must initially be approved by the commission or its designee and resubmitted for review and approval at least once every two (2) years or at such time change has been made. Any training program that, through audit, does not meet the approved training criteria may be rejected for use by the commission or its designee.

(7) Residents of states other than Missouri who desire to engage in or continue to do business in this state shall submit an application for registration on forms MPSC-1219, MPSC-0910, and MPSC-1136, all published in 2016, and furnished for this purpose by the director, which may be obtained from the publisher, Missouri Propane Safety Commission at (573) 893-1073, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302, which are incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material. Qualifications and approval for this registration permit will be determined on the basis outlined in Chapter 323, RSMo. The information submitted shall be related to the requirements of this state and any additional provisions required by the LP gas inspection authority of their state residency in determining eligibility for registration.

(8) A registration application shall be filed and approved and a certificate of registration received before commencing operations by the classes described in this section. The registrant shall notify the inspection authority within ten (10) days after discontinuance of his/her individual operations, providing the name of his/her successor organization, if any. The classes are—

(A) Class I—General LP gas operator. The storage, sale, transportation, and distribution of LP gas at retail-wholesale and the installation, service, and repair of appliances, equipment, and piping for use with LP gas. This does not include LP gas carburetion or liquid meter service or repair;

(B) Class II—Installer and servicer of low pressure systems. The installation, service, and repair of appliances, equipment, and piping for use with LP gas. This class applies to only the low pressure portion of the LP gas

system downstream of the first stage regulator and those systems addressed in NFPA 54;

(C) Class III—Installer and servicer of high pressure systems. The installation, service, and repair of piping and equipment for use with LP gas. This class applies to only the high pressure and liquid portion of the LP gas system and those systems addressed in NFPA 58;

(D) Class IV—Installer and servicer of high and low pressure. The installation, service, and repair of appliances, equipment, and piping for use with LP gas, the installation of LP gas cylinders and tanks, and the delivery of LP gas cylinders. This class applies to both high and low pressure portions of LP gas systems as addressed in NFPA 54 and NFPA 58;

(E) Class V—LP service station operator (metered sales). The retail operation of an LP gas service station consisting of LP gas storage containers, piping, pumps, and other pertinent equipment utilized to fill portable LP gas containers by weight;

(F) Class VI—LP gas dispenser operator (non-metered sales). The retail operation of an LP gas dispensing station consisting of an LP gas storage container(s), piping, pumps, and other pertinent equipment utilized to fill portable LP gas containers by weight;

(G) Class VII—Cylinder exchange dealer. The operation of an LP gas cylinder exchange business whereby Department of Transportation (DOT) cylinders are stored in a secured cage or area and exchanged with customers (full cylinder for empty cylinder). This does not include the filling of any cylinder or tank on premises;

(H) Class VIII—Cylinder seller and servicer. An operation or business engaged in the filling, distribution, and service of LP gas cylinders;

(I) Class IX—Carburetion system installer and servicer. An operation or business engaged in the installation and services of LP gas carburetion systems; and

(J) Class X—Liquid meter repairer and servicer. The installation, repair, and service of LP gas meters utilized for liquid LP gas deliveries, i.e., bobtail delivery truck meters.

(9) Each registrant shall be issued a certificate of registration which shall bear a permanent identifying number. This certificate shall be on file in the office at the address for which issuance was made.

AUTHORITY: section 323.020, RSMo 2016. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989.*

*Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expired April 22, 2009. Amended: Filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Non-substantive change filed July 1, 2016, published Aug. 31, 2016. Amended: Filed July 1, 2016, effective Feb. 28, 2017. Amended: Filed March 30, 2017, effective Oct. 30, 2017. Amended: Filed March 12, 2019, effective Oct. 30, 2019. ***

**Original authority: 323.020, RSMo 1947, amended 1994, 1998, 2005, 2007.*

***Pursuant to Executive Orders 20-04 and 20-10, 2 CSR 90-10.012, subsection (5)(A) was suspended from March 30, 2020 through June 15, 2020.*

2 CSR 90-10.013 Installation Requirements

PURPOSE: This rule sets out the minimum general standards governing design, construction, location, and installation of equipment for storing and handling liquefied petroleum gas. These minimum general standards are designed to assure the required safety for life and property. The requirements contained in this rule will ensure the safety of life and property.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Prior to any installations at buildings of public assembly or use such as schools, churches, recreational halls, tourist courts, hotels, hospitals, sanitariums, convalescent homes, nursing homes, rest homes, four- (4-) unit apartments, and larger or similar types of public buildings having institutional occupancies, for new construction, major renovations, or additions to these installations and mobile home parks, shopping center areas, service stations, bulk plants, industrial plants, and other similar locations of public gathering, form MPSC-0910 must be completed and submitted to the inspection authority. Form MPSC-0910, January 1, 2016, is



published by the Missouri Propane Safety Commission, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302 and is incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.

(2) The owner of a retail cylinder exchange cabinet shall submit a completed form MPSC-0955 to the commission within fifteen (15) days following the installation of a cylinder exchange cabinet.

(3) Form MPSC-0910 including detailed plans shall be furnished to the inspection authority for approval before installation of LP gas containers having a water capacity of over two thousand (2,000) gallons, or two (2) or more containers that are to be connected and have a combined capacity exceeding four thousand (4,000) gallons, or when LP gas in the liquid phase is to be withdrawn or of a container charging plant where portable containers are to be recharged and filled regardless of the capacity of the storage containers used as the supply for filling containers and cylinders. Form MPSC-0910, January 1, 2016, is published by the Missouri Propane Safety Commission, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302 and incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material. When approval is granted, one (1) copy of the plans will be returned to the party submitting the original proposal. Final inspection and approval is required before placing the installation into service. If installation of the proposed LP gas system has not begun within one hundred eighty (180) days from the date of approval by the state LP gas inspection authority, new plans shall be resubmitted prior to the time installation does begin.

(4) The following requirements shall be met on plans that shall be submitted to the inspection authority of Missouri for approval before starting construction:

(A) A complete copy of the plans shall be submitted to the inspection authority together with detailed specifications;

(B) Plans shall be on good quality paper, legible, and contain the information required by this section; and

(C) Plans and specifications are to be accompanied by a written application on a form prescribed by the inspection authority and shall include the following:

1. The address of the proposed location and the name and mailing address of the owner or builder;

2. An outline of the boundary lines of

the property owned or leased;

3. A diagram showing adjoining property on all sides and the distance to all adjacent buildings and roadways;

4. A diagram showing the location and sizes of each container or containers on the plot of ground to be used;

5. A diagram pinpointing each location where liquid transfer will be made, such as loading, unloading, and bottling;

6. A general layout of piping, pipe supports, and pipe protection; the location, size, and type of each important piece of equipment, gate valve, excess flow valve, pressure relief valve, hose, regulator, and all other important parts of the system planned;

7. The location of each building or shed to be built on the property and each sewer or drain opening;

8. The location of electrical lines and poles and telephone poles if located twenty-five feet (25') or less from storage tanks or liquid transfer areas;

9. The location of the electrical service pole;

10. The location of fences;

11. The dimensions of tank foundations, footings, reinforcements, and tank clearance above ground level;

12. Storage container dimensions, whether new or used, and the name of the manufacturer; and

13. All used containers of two thousand (2,000) gallons water capacity or more to be reinstalled shall have all valves, including relief valves, removed and inspected.

(5) All LP gas storage tanks shall be installed a minimum distance of twenty feet (20') from all other Class I, II, and III liquids. In the event of a hazardous location, the LP gas inspection authority may require a greater distance and location up to a maximum distance of one hundred feet (100'). Distance may be reduced to ten feet (10') when diked.

(6) All LP gas dispensers shall have form MPSC-0910 and site plans submitted as required by sections (3) and (4).

(7) All tanks of one thousand one (1,001) gallons aggregate water capacity or greater being used for liquid withdrawal shall have form MPSC-0910 and site plans submitted as required by sections (3) and (4).

(8) All LP gas and autogas dispensers shall have recommended fill procedures posted.

(A) All dispensers in the retail business of refilling cylinders shall be equipped with a state-approved scale to be utilized for the safe filling of LP gas cylinders.

AUTHORITY: section 323.020, RSMo 2016. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Amended: Filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Non-substantive change filed July 1, 2016, published Aug. 31, 2016. Amended: Filed July 1, 2016, effective Feb. 28, 2017. Amended: Filed March 30, 2017, effective Oct. 30, 2017.*

**Original authority: 323.020, RSMo 1947, amended 1994, 1998, 2005, 2007.*

Op. Atty. Gen. No. 86, Sturgis, 2-3-55. A private individual user of liquified petroleum gas may transport over the highways of Missouri empty liquified petroleum gas drums or such drums containing such gas without violating Basic Rule B.15 of the regulations promulgated under section 323.020, RSMo 1969.

2 CSR 90-10.014 Storage

PURPOSE: This rule sets out minimum general standards for the storage of liquefied petroleum gas and promotes safety for life and property. These requirements do not apply to public utility facilities regulated by the Missouri Public Service Commission.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) All liquefied petroleum gas (LP gas) storage containers or storage systems where one (1) tank is used having a water capacity of one hundred (100) gallons or more, or where two (2) or more tanks are used having a total combined capacity of more than one hundred (100) gallons, and all related equipment located at or near containers which are installed within twenty-five feet (25') of a playground where children in age groups of preschool through grade twelve (12) have



access shall be fenced with industrial type fence a minimum of six feet (6') high as to prevent tampering with the gas piping system.

(2) Where LP gas storage of five hundred (500) gallons or less is in use or where a hazard exists in connection with any size of underground storage system, reasonable protective methods, other than fencing, which are deemed necessary may be required.

(3) Containers of any size shall not be used for storage other than manufacturer's design and specifications; i.e., railcars, converted railcars, bulk delivery truck tanks both transport and bobtail cannot be utilized for fixed storage. A variance for bobtail delivery truck tanks may be requested. A written request must be submitted to the commission on form MPSC-0417 included herein.

(4) All aboveground LP gas storage containers shall be kept properly painted with a light reflective paint such as white or aluminum.

(5) All aboveground LP gas storage containers, two thousand (2,000) water capacity (WC) or more, and all dispensers shall be clearly marked PROPANE, FLAMMABLE, NO SMOKING on two (2) sides in a conspicuous location of the dispenser housing, fencing, or a combination thereof. All wording shall be in block-style letters with a minimum height of two inches (2") and a minimum width of one-fourth inch (1/4") on a contrasting background.

(6) Each LP gas bulk plant or system of two thousand (2,000) gallons WC or more and all dispensers engaged in retail shall have a sign displayed in a conspicuous location stating the name and telephone number of the nearest representative, agent, or owner of the system. All wording shall be in block-style letters with a minimum height of one inch (1") and on a contrasting background.

(7) Any LP gas storage container, including any container used for motor fuel, which has been damaged in any manner shall be repaired according to the requirements of the code it was manufactured under and shall be hydrostatically tested prior to placing in service.

(8) Repair of any LP gas container shell, excluding valves, fittings, regulators, and attachments, shall be in conformance with the code under which the container was manufactured, and all repairs shall be performed only by a person certified under the code by which the container was manufactured.

(9) A copy of all container data information and repairs to the container shall be submitted to the inspection authority for review prior to installation of the container.

(10) LP gas storage containers supplying mobile home parks, schools, hospitals, domestic systems, or other public or institutional facilities shall not be utilized as a bulk storage plant for loading LP gas into any fuel delivery vessel or vehicle.

(11) At a bulk storage facility that the owner declares out-of-service, the tank or tanks shall be empty, only contain residual pressure, and be capped or plugged as close as practical to the positive shut-off valve just outside the tank or tanks. Before placing the tank or plant back into operation, form MPSC-0910 including detailed plans shall be furnished to the inspection authority for approval and approval must be granted by the inspection authority. Form MPSC-0910, January 1, 2016, is published by the Missouri Propane Safety Commission, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302 and is incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.



MISSOURI PROPANE SAFETY COMMISSION
LP GAS INSPECTION AUTHORITY

APPLICATION FOR VARIANCE

NOTE: ONE APPLICATION/FORM MUST BE SUBMITTED FOR EACH UNIT OF EQUIPMENT.

FOR MP S C OFFICE USE ONLY		
DATE	VARIANCE #	MPGC APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO

THIS FORM MUST BE COMPLETED IN ITS ENTIRETY OR IT WILL BE RETURNED

OWNER NAME	OWNER ADDRESS	OWNER CITY, STATE, ZIP
NAME (IF DIFFERENT FROM OWNER)	MAILING ADDRESS	MAILING CITY, STATE, ZIP
LOCATION NAME	LOCATION ADDRESS	LOCATION CITY, STATE, ZIP
LOCATION COUNTY	LOCATION PHONE	NUMBER OF UNITS AT LOCATION

ACTIVITY	TYPE OF EQUIPMENT	USAGE
NEW INSTALLATION	CARGO TANK	OFFICE/GOVT BUILDING
OTHER	OTHER	HOSPITAL/INSTITUTIONAL
		CHURCH/RELIGIOUS
		COMMERCIAL/INDUSTRIAL
		RETAIL
		SCHOOL/LIBRARY/EDUCATIONAL
		DISPENSER
		RESIDENCE
		MOTEL/HOTEL
		AGICULTURE
		NURSING/RETIREMENT HOME
		OTHER

MANUFACTURER	DATE OF MANUFACTURER	SERIAL NUMBER	CAPACITY
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WORKING PRESSURE	SPECIFIC LOCATION	LAST INSPECTION DATE
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COMMENTS AND DESCRIPTION DETAIL OF INSTALLATION North ↑
 Draw plan here, or attach plan in duplicate.

WRITTEN RESPONSE REQUIRED BEFORE INSTALLATION.

SIGNATURE OF CONTACT PERSON AT LOCATION	INSPECTOR SIGNATURE
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PRINTED NAME AND TITLE OF CONTACT PERSON AT LOCATION

Return to: MISSOURI PROPANE SAFETY COMMISSION, 4110 COUNTRY CLUB DR., STE. 200, JEFFERSON CITY, MO 65109-0302
 OR FAX TO: 573-893-1074



AUTHORITY: section 323.020, RSMo 2016. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Non-substantive change filed July 1, 2016, published Aug. 31, 2016. Amended: Filed March 30, 2017, effective Oct. 30, 2017.*

**Original authority: 323.020, RSMo 1947, amended 1994, 1998, 2005, 2007.*

2 CSR 90-10.015 Container, System, or Equipment Violations

PURPOSE: This rule sets out the procedure to govern the inspection authority's actions in eliminating hazardous conditions which could result in serious property damage and loss of life.

(1) Any container, system, or equipment that has been determined through inspection by the inspection authority to violate these regulations so as to constitute a substantial hazard or violation which makes the container, system, or equipment unsafe for continued operation shall be so identified by the inspection authority through a notice or tag affixed to the container. The container, system, or equipment upon which the tag has been affixed shall not be used, nor shall liquefied petroleum gas be placed in the container, system, or equipment.

(2) Any container, system, or equipment that has been determined through inspection by the inspection authority to violate these rules and regulations but does not constitute an immediate hazard to life or property shall only be tagged if the defect or the violation is not corrected within five (5) days after written notification setting forth the violation or defect has been personally served upon or directed through the United States mail, certified mail, postage prepaid, returned receipt requested, to the owner, operator, or supplier of the container, system, or equipment. In the event the owner or supplier is not identified on the container, system, or equipment, notice to the occupant of the premises where the container, system, or equipment is located shall be deemed sufficient.

(3) The tag or notice attached to the container, system, or equipment, shall be the proper-

ty of the commission and only shall be removed when defect or violation has been corrected. The tag is to be removed promptly after receiving notice of correction.

(4) Any underground container or system that is being maintained in violation of these rules so as to constitute a substantial hazard to public safety may be required to be removed for inspection by the inspection authority upon reasonable demand and notice.

AUTHORITY: section 323.020, RSMo Supp. 2010. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed June 13, 2011, effective Jan. 30, 2012.*

**Original authority: 323.020, RSMo 1947, amended 1994, 1998, 2005, 2007.*

2 CSR 90-10.016 Meters for Measurement—Specifications and Proving (Rescinded January 30, 2019)

AUTHORITY: section 323.020, RSMo Supp. 2008. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Oct. 15, 2008, effective March 30, 2009. Rescinded: Filed June 27, 2018, effective Jan. 30, 2019.

2 CSR 90-10.017 Mobile Homes (Rescinded March 30, 2009)

AUTHORITY: section 323.020, RSMo 1994. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Rescinded: Filed Oct. 15, 2008, effective March 30, 2009.

2 CSR 90-10.018 Accidents (Rescinded June 11, 1987)

AUTHORITY: section 323.020, RSMo 1986. Original rule filed July 13, 1977, effective Nov. 11, 1977. Rescinded and readopted: Filed Oct. 4, 1981, effective Jan. 14, 1982. Rescinded: Filed March 18, 1987, effective June 11, 1987.

2 CSR 90-10.019 LP Gas Containers

PURPOSE: This rule clarifies section 323.030, RSMo.

(1) No person, except the owner thereof, or persons authorized in writing by the owner shall—

(A) Fill or refill a marked liquefied petroleum gas container;

(B) Evacuate a marked liquefied petroleum gas container; and

(C) Deface, erase, cover up, remove, or conceal any name, mark, or other ownership identification on a marked liquefied petroleum gas container.

(D) This does not apply to cylinders of one hundred (100) pounds (propane capacity) or less.

(2) Any liquefied petroleum gas container moved at a consumer's location and not connected for use shall meet the National Fire Protection Association's (NFPA) fifty-eight (58) location and safety requirements, be placed on a firm foundation, and openings shall be capped or plugged.

AUTHORITY: section 323.030, RSMo 2016. Original rule filed July 10, 2019, effective Jan. 30, 2020.*

**Original authority: 323.030, RSMo 1947.*

2 CSR 90-10.020 NFPA Manual No. 54, National Fuel Gas Code

PURPOSE: This rule regulates the installation of liquified petroleum gas appliances and liquified petroleum gas piping.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Standards contained in National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code*, 2015 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, are incorporated herein by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material. The balance of this rule sets forth requirements for liquefied petroleum gas (LP gas) applications not covered in the manual. The scope of National Fire Protection Association (NFPA) Manual No. 54, *National*



Fuel Gas Code, 2015 edition, is to develop fire safety codes, standards, recommended practices, and manuals, as may be considered desirable, covering the installation of piping and appliances using fuel gases such as natural gas, manufactured gas, liquefied petroleum gas, and liquefied petroleum gas-air mixture.

(2) The repair or welding of LP gas appliance heat exchangers is strictly prohibited.

(3) All equipment covered by this standard shall be installed and maintained in compliance with the instructions provided by the manufacturer. Appliances designed to use only a specific fuel may not be converted to use a different fuel if the manufacturer has prohibited such conversions.

AUTHORITY: sections 261.023.6. and 323.020, RSMo 2016.* *Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. Amended: Filed Sept. 8, 1969, effective Sept. 18, 1969. Amended: Filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Amended: Filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Amended: Filed June 16, 2014, effective Jan. 30, 2015. Amended: Filed July 1, 2016, effective Feb. 28, 2017.*

*Original authority: 261.023, RSMo 1973, amended 2013 and 323.020, RSMo 1947, amended 1994, 1998, 2005, 2007.

2 CSR 90-10.030 NFPA Manual No. 54A, Industrial Gas Piping and Equipment
(Rescinded January 13, 1978)

AUTHORITY: section 323.020, RSMo 1969. *Original rule filed Sept. 8, 1969, effective Sept. 18, 1969. Rescinded: Filed June 1, 1977, effective Jan. 13, 1978.*

2 CSR 90-10.040 NFPA Manual No. 58, Storage and Handling of Liquefied Petroleum Gases

PURPOSE: This rule regulates the storage and handling of liquefied petroleum gases. The balance of the rule sets forth installation procedures required for liquefied petroleum gas carburetion which are not contained in *National Fire Protection Association Manual No. 58*.

PUBLISHER'S NOTE: The secretary of state

has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) This rule incorporates by reference National Fire Protection Association (NFPA) Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases*, 2017 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, as the current standard for the storage and handling of liquefied petroleum gases (LP gas). This rule does not incorporate any subsequent amendments or additions to the referenced material.

(2) All equipment shall be installed and maintained in compliance with the safety standards and in conformity with the rules.

(3) At all LP gas dispensers, it shall be the dispenser operator's responsibility to provide initial training to persons who dispense propane. It shall be illegal for any person other than the trained person to operate the dispensing device. It shall be the responsibility of the owner or manager of each business, where a dispenser is located and operated, to ensure dispenser operators successfully complete training every three (3) years through a training program approved by the director.

AUTHORITY: sections 261.023.6. and 323.020, RSMo 2016.* *Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. Amended: Filed Sept. 8, 1969, effective Sept. 18, 1969. Amended: Filed Nov. 1, 1972, effective Nov. 10, 1972. Amended: Filed May 13, 1977, effective Jan. 13, 1978. Emergency amendment filed March 27, 1981, effective April 7, 1981, expired July 10, 1981. Amended: Filed March 27, 1981, effective July 11, 1981. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Emergency amendment filed June 20, 2002, effective June 30, 2002, expired Dec. 30, 2002. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Amended: Filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Amended: Filed June 16, 2014,*

effective Jan. 30, 2015. Amended: Filed July 1, 2016, effective Feb. 28, 2017.

*Original authority: 261.023, RSMo 1973, amended 2013 and 323.020, RSMo 1947, amended 1994, 1998, 2005, 2007.

McConnell v. Pic-Walsh Freight Co., 432 S.W.2d 292 (Mo. 1968). *Plaintiff, employee of an LP gas company, was not contributorily negligent as a matter of law when he over-filled an LP gas tank on one (1) of defendant's trucks after being assured by defendant's employees that the tank was empty; plaintiff having no way of knowing the level of gas due to broken gauge. Defendant claimed plaintiff was negligent per se because he violated safety rules concerning the filling of tanks inside a building, but court held that "all reasonable minds would not conclude that the infractions were the proximate cause of the injury in this case, and therefore . . . plaintiff is not as a matter of law barred from recovery."*

2 CSR 90-10.050 NFPA Manual No. 30, Flammable and Combustible Liquids Code
(Rescinded September 27, 1985)

AUTHORITY: section 323.020, RSMo 1978. *Original rule filed July 20, 1967, effective July 30, 1967. Amended: Filed July 27, 1970, effective Aug. 6, 1970. Amended: Filed Nov. 1, 1972, effective Nov. 10, 1972. Amended: Filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Rescinded: Filed May 2, 1985, effective Sept. 27, 1985.*

2 CSR 90-10.060 NFPA Manual No. 59, LP Gases at Utility Gas Plants
(Rescinded January 30, 2012)

AUTHORITY: section 323.020, RSMo 1986. *Original rule filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Rescinded: Filed June 13, 2011, effective Jan. 30, 2012.*

2 CSR 90-10.070 NFPA Manual No. 501A, Manufactured Home Installations
(Rescinded January 30, 2012)

AUTHORITY: section 323.020, RSMo 1986. *Original rule filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Rescinded: Filed June 13, 2011, effective Jan. 30, 2012.*



2 CSR 90-10.080 Federal Housing and Urban Development (HUD) Standards Part 3280, Manufactured Home Construction and Safety Standards

(Rescinded June 29, 1989)

AUTHORITY: section 323.020, RSMo 1986. Original rule filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Rescinded: Filed March 3, 1989, effective June 29, 1989.

2 CSR 90-10.090 NFPA Manual No. 1192, Chapter 5, Standard on Recreational Vehicles

(Rescinded February 28, 2017)

AUTHORITY: section 323.020, RSMo Supp. 2012. Original rule filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Rescinded: Filed July 1, 2016, effective Feb. 28, 2017.

2 CSR 90-10.100 Inspection of School Buses Propelled by Liquefied Propane Gas

(Rescinded March 30, 2009)

AUTHORITY: section 323.020, RSMo 1986. Original rule filed Oct. 13, 1982, effective Feb. 11, 1983. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Rescinded: Filed Oct. 15, 2008, effective March 30, 2009.

2 CSR 90-10.120 Reporting of Odorized LP Gas Release, Fire, or Explosion

PURPOSE: This rule requires reporting of a release, fire, or explosion involving odorized liquefied petroleum gas (LP gas).

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) At the earliest practical moment or within two (2) hours following discovery, the owner, manager, or operator of a vehicle or equipment regulated by this chapter shall notify the Missouri Propane Safety Commission by telephone of any event involving odorized liquefied petroleum gas (LP gas) release, fire, or explosion which—

(A) Caused a death or any personal injury requiring hospitalization; or

(B) Required taking an operating facility out-of-service; or

(C) Resulted in uncontrolled gas release, fire, or explosion requiring an emergency response; or

(D) Caused an estimated damage to the property of the operator, others, or both totaling five thousand dollars (\$5,000) or more, including gas loss; or

(E) Could reasonably be judged as significant because of rerouting of traffic, evacuation of buildings, or media interest; or

(F) Is required to be reported to any other state or federal agency (such as the Missouri Department of Public Safety or the United States Department of Transportation).

(2) The telephonic notice required by section (1) shall be made to the commission at (573) 893-1073 and shall include the following:

(A) Name of reporting person;

(B) Location of leak or incident;

(C) Time of incident;

(D) Fatalities and personal injuries;

(E) Phone number of reporting person;

(F) Status of incident regarding immediate hazard; and

(G) Other significant facts relevant to the incident.

(3) Following the initial telephone report, the person who made the telephone report or an authorized company representative shall submit a properly completed form MPSC-5524 to the director within fourteen (14) calendar days of the date of initial telephone notification unless an extension is authorized by the director to allow more time for investigation or research. Form MPSC-5524, January 1, 2016, is published by the Missouri Propane Safety Commission, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302 and is incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.

AUTHORITY: section 323.025, RSMo 2016.* Original rule filed June 13, 2011, effective Jan. 30, 2012. Amended: Filed June 26, 2012, effective Jan. 30, 2013. Non-substantive change filed July 1, 2016, published Aug. 31, 2016. Amended: Filed March 30, 2017, effective Oct. 30, 2017.

*Original authority: 323.025, RSMo 2007, amended 2014.

2 CSR 90-10.130 Addressing Commission

PURPOSE: This rule establishes procedures for the public to address the commission.

(1) All persons wishing to address the commission about an agenda item at an open meeting must file a petition to appear prior to the noticed meeting. This petition shall state the name of the person who wishes to address the commission and a summary of the material to be presented. No person interested in a case, matter, or application pending before the commission shall improperly attempt to influence the judgment of the commission by undertaking, directly or indirectly, to pressure or influence the commission, with regard to the case, matter, or application.

AUTHORITY: section 323.025, RSMo 2016.* Original rule filed March 12, 2019, effective Oct. 30, 2019.

*Original authority: 323.025, RSMo 2007, amended 2014.

2 CSR 90-10.140 Informal Hearing

PURPOSE: This rule provides a procedure for informal hearings before the Missouri Propane Safety Commission under section 323.110, RSMo.

(1) Notice of Violation. A notice of violation shall be issued to any person (the respondent) who is found, upon investigation by the commission, to be in possible violation of sections 323.005 to 323.210, RSMo. The notice shall be sent to the respondent by certified mail and shall set forth the facts supporting the alleged violation, and the date, time, and location of an informal hearing at which the facts of the alleged violation may be explained.

(2) Hearing Officer. The hearing shall be conducted by one (1) or more of the commissioners or by any qualified person or persons designated by the commission.

(3) Documents. Before the hearing and at the respondent's cost and expense, the respondent may inspect and copy any documents relied upon by the commission as the basis for the notice of violation.

(4) Evidence. The commissioner(s), or the commission's attorney, and the respondent will have the opportunity to present evidence and to question any witnesses. The technical rules of evidence shall not apply.



The commission is not required to record or transcribe the proceedings of the hearing. The burden shall be on the respondent to show why the respondent is not in violation of sections 323.005 to 323.210, RSMo as alleged in the notice.

(5) Attorney. Respondent may be represented by an attorney. The commission’s attorney may also appear and participate in the hearing.

(6) Formal Hearing. In the event that the respondent fails to timely respond to the notice of violation or upon unsuccessful resolution of any issues relating to an alleged violation, the respondent may be summoned to a formal administrative hearing before the commission.

(7) Cease and Desist Order. If the respondent is found to have committed one (1) or more violations of sections 323.005 to 323.210, RSMo, the commission may order the respondent to cease and desist from such violation(s), such order to be enforceable as provided by law.

(8) Option to Request Formal Hearing. Respondent may request a formal hearing in lieu of an informal hearing regarding the notice of violation.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.145 Formal Hearings

PURPOSE: The purpose of rules 2 CSR 90-10.145 through 2 CSR 90-10.180 is to provide procedures for formal hearings before the Missouri Propane Safety Commission pursuant to sections 323.080, 323.110, and 323.115, RSMo.

(1) The rules contained in 2 CSR 90-10.145 through 2 CSR 90-10.180 shall govern all formal hearings of the commission. In all formal hearings before the commission, the registrant, or the party notified, shall be the respondent. For good cause, the commission may extend the time limits set forth in rules 2 CSR 90-10.145 through 2 CSR 90-10.180.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.150 Hearing Officer

PURPOSE: This rule describes appointment of hearing officers.

(1) The commission shall retain a hearing officer to conduct the hearings required by the statutes and regulations over which the commission has jurisdiction.

(2) The hearing officer shall be a member in good standing of the Missouri Bar.

(3) Following each hearing, the hearing officer shall recommend proposed findings of fact, conclusions of law, and a final order to the commission.

(4) The commission shall review the recommendation of the hearing officer and issue findings of fact, conclusions of law, and enter a final order.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.155 Requests for Hearings

PURPOSE: This rule establishes the procedure for requesting a hearing.

(1) All requests for hearings must—

- (A) Be in writing;
- (B) State the name, current address, and current telephone number of the respondent;
- (C) State the number assigned to the matter by the commission;
- (D) State the particular section of the statutes or commission rule involved; and
- (E) State in detail the reasons and facts upon which the respondent relies in contending that the commission’s decision or other action is in error including specific responses to any facts enumerated in the commission’s notice or hearing and disciplinary action or other document evidencing legal action.

(2) A request for hearing must be submitted within thirty (30) days from the date of mailing by the commission of the decision or issue about which the respondent requests a hearing.

(A) The respondent may submit a request for hearing by—

- 1. Personal delivery;
- 2. Certified mail, postage prepaid; or
- 3. Overnight express mail, postage prepaid.

(B) All requests for hearings must be sub-

mitted to the commission at the commission’s office in Jefferson City.

(C) Documents or papers shall be considered filed on the date received to the commission.

(D) The hearing officer may deny a request for hearing if the statement of reasons and facts submitted by the respondent do not establish a *prima facie* case. Amendments to the respondent’s request for hearing shall be freely given when justice so requires.

(3) A notice of a suspension of registration shall be in writing and shall state the time and place for a hearing on the contemplated disciplinary action and shall be sent by registered mail to the respondent.

(4) Except as otherwise provided by law, the respondent shall be served with written notice of the time and place of hearing by certified mail, postage prepaid.

mitted to the commission at the commission’s office in Jefferson City.

(C) Documents or papers shall be considered filed on the date received to the commission.

(D) The hearing officer may deny a request for hearing if the statement of reasons and facts submitted by the respondent do not establish a *prima facie* case. Amendments to the respondent’s request for hearing shall be freely given when justice so requires.

(3) A notice of a suspension of registration shall be in writing and shall state the time and place for a hearing on the contemplated disciplinary action and shall be sent by registered mail to the respondent.

(4) Except as otherwise provided by law, the respondent shall be served with written notice of the time and place of hearing by certified mail, postage prepaid.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.160 Appearances

PURPOSE: This rule establishes the procedures for attorneys filing appearances.

(1) A party may be represented by an attorney who is licensed in Missouri. All attorneys who appear in a representative capacity on behalf of a party must file entry of appearance setting forth—

(A) The name, address, telephone number, and Missouri Bar number of the attorney(s); and

(B) The name and address of the party represented.

(2) Upon motion, the hearing officer may permit a member, in good standing of the bar of the highest court of any state or of any United States district court, to argue and appear on behalf of a particular hearing in whole or in part on behalf of a party.

(3) An attorney may only withdraw his/her appearance upon a written request to the hearing officer stating the reasons therefore and after permission from the hearing officer.

(4) Any individual may appear on his/her own behalf.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective*



Oct. 30, 2019.

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.165 Disciplinary Action

PURPOSE: This rule establishes the procedures for disciplinary action.

(1) When notified of facts sufficient to support disciplinary action against a respondent under the applicable statutes or rules, the commission may propose disciplinary action against a respondent. If the commission proposes disciplinary action, it shall notify the respondent of the disciplinary action proposed as provided by these rules or by law, including with the notification a proposed order for disciplinary action.

(2) The proposed order shall include a statement of facts supporting the disciplinary action, the rule or statutory section the respondent is being charged with violating, and the disciplinary action proposed. The director shall mail a copy of the proposed order by first class mail, postage prepaid to the respondent and certify to the date of mailing.

(3) Within thirty (30) days from the date of mailing of the proposed order, the respondent shall file his/her/its request for hearing by serving it on the director. If a request for hearing is not filed, the proposed order shall become a final order of the commission.

(4) The commission may authorize the director to investigate and to issue a proposed order for disciplinary action with regard to any applicant for or holder of a registration of the type that may be issued by the director.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.170 Proceedings

PURPOSE: This rule establishes procedures for conducting hearings.

(1) The commission may issue subpoenas and subpoenas *duces tecum* for the production of books, records, and other pertinent documents, or upon written request to appear and offer testimony.

(2) Discovery may be obtained by the same

means and under the same conditions as in civil actions in the circuit court. Sanctions for abuse of the discovery process or failure to comply with commission orders regarding discovery shall be the same as those provided for in the rules of civil procedure.

(3) Any party may petition the commission to hold a prehearing conference at any time prior to the hearing.

(4) All prehearing conferences shall be held as directed by the commission or the hearing officer, and reasonable notice of the prehearing conference time shall be given to all parties involved.

(5) The burden of proof shall be upon the respondent to show cause by clear and convincing evidence why the proposed disciplinary action should not be ordered.

(6) All testimony shall be given under oath or affirmation.

(7) Petitioner may present an opening statement, and the commission shall present an opening statement on the merits. Petitioner proceeds first to present evidence, except in the case of disciplinary actions against respondents, in which case the commission shall present evidence first. The hearing officer shall then hear evidence from the other party and any evidence in rebuttal.

(8) Each party may conduct cross-examination of adverse witnesses.

(9) Both parties may present closing argument. The party who presented evidence first shall argue first, then the other party, followed by any rebuttal argument.

(10) The parties may request, or the hearing officer may require, that the parties submit briefs.

(11) Failure of the respondent to appear at the hearing shall constitute an admission of all matters and facts alleged by the commission in its notice of disciplinary action and a waiver of the respondent's right to a hearing, but the commission in its discretion may nevertheless order a hearing.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.175 Settlements

PURPOSE: This rule establishes the procedures for settlements and settlement offers.

dures for settlements and settlement offers.

(1) The parties may propose settlement agreements to the hearing officer or to the commission at any stage of the proceedings, including prior to the entry of a final order or prior to the commencement of the proceedings.

(2) All settlement agreements shall be in writing, signed by the parties, and accurately reflect all the terms of the settlement, including the facts agreed to by the parties constituting the grounds for the action proposed in the settlement.

(3) The settlement agreement shall be presented to the commission for its approval or disapproval. If the commission approves the settlement offer it will become the final commission order. If the commission disapproves the settlement offer the parties shall be notified and the settlement agreement and any documents solely relating to the offer shall not constitute part of the record.

AUTHORITY: section 323.025, RSMo 2016. Original rule filed March 12, 2019, effective Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*

2 CSR 90-10.180 Contents of the Record, Commission Order and Applications for Rehearing

PURPOSE: This rule establishes the contents of the evidentiary record and procedures for issuance of the commission order.

(1) The record shall consist of the following:

- (A) The commission's notice to respondent, the request for hearing, all motions, rulings on the request for hearing, and all other matters;
- (B) All evidence received;
- (C) A statement of matters officially noticed;
- (D) Offers of proof, objections, and ruling on them;
- (E) All pleadings filed by either party;
- (F) The transcript of the hearing; and
- (G) All briefs filed by either party.

(2) Oral proceedings, or any part of them, shall be stenographically recorded or recorded by other means which adequately insure the preservation of the testimony or oral proceedings, and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.



(3) Commission Order.

(A) The record of a case shall stand submitted for consideration by the commission after the recording of all evidence or, if applicable, after the filing of briefs or the presentation of oral argument.

(B) The commission's order shall be in writing and shall be issued as soon as practicable after the record has been submitted for consideration.

(C) Every order of the commission shall be served by mailing a certified copy, with postage prepaid, to all parties of record.

(D) The commission may, at its discretion, issue a preliminary order and allow parties to provide responses to the preliminary order. The commission may then issue its order after reviewing the responses of the parties.

(E) As technology permits, and where the parties have provided their electronic mail address, the commission will attempt to issue an electronic copy of each order.

(F) The commission's order shall be deemed final twenty (20) days after it is rendered.

(4) Applications for Rehearing.

(A) Applications for rehearing of the commission's decision may be filed within twenty (20) days of the date of the order. The commission's order shall be considered final after rehearing, if granted, or the date when all applications for rehearing are overruled. An application for rehearing shall be deemed overruled for all purposes if the commission does not rule on it within sixty (60) days after the date the application is filed.

(B) At any time before a final order is issued, the commission may, on its own motion, reconsider, correct, or otherwise amend any order or notice issued in the case.

AUTHORITY: section 323.025, RSMo 2016.
Original rule filed March 12, 2019, effective
Oct. 30, 2019.*

**Original authority: 323.025, RSMo 2007, amended 2014.*