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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2010), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
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Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
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	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

EMERGENCY RULE

12 CSR 10-23.475 Fees and Required Documentation for Designating Manufactured Homes as Real or Personal Property

PURPOSE: This rule establishes the fees and requirements for filing documentation with the Department of Revenue for purposes of designating manufactured homes as real estate or personal property under section 700.111, RSMo.

EMERGENCY STATEMENT: This emergency rule establishes the required fees and documentation for filing an Affidavit of Affixation, an Affidavit of Severance, an Application for Confirmation of Conversion, and an Application of Surrender with the Department of Revenue to comply with section 700.111, RSMo. The department has communicated with the Missouri Manufactured Housing Association, Missouri County Collectors Association, Recordors' Association of Missouri, Missouri Bankers Association, Missouri Credit Union Association, and Missouri Land Title Association in an effort to ensure this emergency rule accommodates the requirements of the department to promulgate forms and fees as authorized in Senate Bill 630, as truly agreed and finally passed in Senate Bill 630, 2nd Regular Session of the 95th General Assembly, 2010. The department has held numerous meetings and exchanged numerous communica-

tions with the aforementioned associations. Beginning in May 2010, before the legislation was signed by the governor, department representatives met with the Missouri Manufactured Housing Association to establish a fundamental understanding of the intent of the legislation, which would be the basis of identifying operational (business) and information technology requirements to implement Senate Bill 630. The legislation became law upon signing by the governor on July 7, 2010. The law requires the department to have the processes mandated in the legislation implemented by March 1, 2011. Once the department established a basic understanding of the impact to its business and technology processes, representatives held meetings with the Missouri County Collectors Association in September 2010. The beginning of several discussions and exchanges of communications with the Recordors' Association of Missouri also began in September 2010. As the required Affidavit of Affixation and Affidavit of Severance are required to be recorded in the various recorder of deeds' offices throughout the state, the documents must meet the stringent formatting requirements established by law for recording purposes. Communications with the Recordors' Association of Missouri continued into November 2010. Having established acceptable forms for recording purposes in November 2010, the department began discussions with the Missouri Bankers Association and other representatives of the banking and financial services industry. These discussions were required as these are the stakeholders most likely to utilize such forms, and it was important to obtain their input prior to filing this emergency rule in order to negotiate any discrepancies and provide adequate forms upon the filing of this emergency rule. Discussions with the banking and financial services industry concluded in December 2010. Throughout the various meetings and communications described, the department continued to create the business requirements and modifications to current programs necessary to implement Senate Bill 630. Because of the level of effort and time that has been required to communicate with the aforementioned stakeholders and create the business requirements necessary to implement Senate Bill 630, the department must now file this emergency rule in order for the requirements set forth in the rulemaking to be applied on March 1, 2011, the effective date of Senate Bill 630. As the documents and fees prescribed in this rulemaking must be used to facilitate the affixation and severance process for individuals to comply with the requirements of Senate Bill 630, the department finds a compelling governmental interest for this emergency action. Failure to enact this emergency rulemaking will make financial products less available for consumers who would otherwise purchase a manufactured home. Financial entities that would establish a security interest in such homes will be less desirous of extending credit for their purchase without the ability to secure their interest through the lien process afforded in Senate Bill 630 which applies when a manufactured home is converted to real property. Senate Bill 630 provides specific authority for the department to develop forms and fees to ensure individuals and entities can comply with the requirements outlined in this legislation. Failing to enact the requirements of this emergency rulemaking by the effective date of Senate Bill 630 will prohibit individuals who desire to convey or encumber manufactured homes in compliance with Senate Bill 630 from knowing what is required when the law becomes effective on March 1, 2011. A proposed rule that covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Revenue believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 3, 2011, becomes effective March 1, 2011, and expires August 27, 2011.

(1) An Affidavit of Affixation must be recorded with the recorder of deeds in accordance with section 442.015, RSMo, and filed with the

director of revenue in accordance with section 700.111, RSMo, when a manufactured home is to be deemed as real estate.

(2) An Affidavit of Severance must be recorded with the recorder of deeds in accordance with section 442.015, RSMo, and filed with the director of revenue in accordance with section 700.111, RSMo, when a certificate of title application is completed on a manufactured home that was previously deemed as real estate through the filing of a properly executed Affidavit of Affixation with the director of revenue.

(3) When submitting a recorded Affidavit of Affixation to the director of revenue under section 700.111, RSMo, the affidavit shall be accompanied by either an Application for Surrender of Title or a Manufacturer's Certificate of Origin, or an Application for Confirmation of Conversion when no such certificate of title or manufacturer's certificate of origin can be located.

(4) The department will make available suggested forms containing the standard requirements for the Affidavit of Affixation, Affidavit of Severance, Application for Confirmation of Conversion, and Application for Surrender of Title or Manufacturer's Certificate of Origin. The department's suggested forms, or forms that substantially comply with their requirements, shall be used for filing with the recorder of deeds and director of revenue. All available forms may be obtained by mail by requesting a form in writing from the Missouri Department of Revenue, Motor Vehicle Bureau, Truman State Office Building, Room 370, 301 West High Street, PO Box 100, Jefferson City, MO 65105-0100 or from the department's website.

(5) The fee for filing an Affidavit of Affixation or Affidavit of Severance with the Department of Revenue for the purposes of complying with section 700.111, RSMo, shall be the same amount as the fee collected for an original title in accordance with section 301.190, RSMo. In addition to such filing fee, the director shall collect a processing fee in accordance with subparagraph (2) of subsection 1 of section 136.055, RSMo.

AUTHORITY: section 700.III, RSMo Supp. 2010. Emergency rule filed Feb. 1, 2011, effective March 1, 2011, expires Aug. 27, 2011. A proposed rule covering this same material is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2010.

EXECUTIVE ORDER 11-02

WHEREAS, the severe weather that began on December 30, 2010, created a condition of distress and hazards to the safety and welfare of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, Executive Order 10-27 was issued on December 31, 2010, declaring a State of Emergency within the State of Missouri; and

WHEREAS, Executive Order 11-01 was issued on January 4, 2011, authorizing the Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations in order to expedite the cleanup and recovery process; and

WHEREAS, in response to Executive Order 11-01, the Director of the Missouri Department of Natural Resources issued a waiver on January 4, 2011, suspending specific open burning and solid waste requirements to address wastes generated by the severe weather; and

WHEREAS, several communities in the State of Missouri continue to clear debris resulting from the severe weather; and

WHEREAS, Executive Orders 10-27 and 11-01 expire on January 31, 2011, unless extended in whole or in part.


NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, hereby extend the declaration of emergency contained in Executive Order 10-27 and the terms of Executive Order 11-01 through February 28, 2011, for the purpose of continuing the cleanup efforts in the affected Missouri communities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28th day of January, 2011.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
11-03**

WHEREAS, I have been advised by the State Emergency Management Agency that the on-going and forecast severe storm systems have caused, or have the potential to cause, damages associated with snow, freezing rain, sleet, and ice impacting communities throughout the State of Missouri; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of the severe weather event that started on January 31, 2011, and continues; and

WHEREAS, the severe weather that began on January 31, 2011, and continues, has the potential to create a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

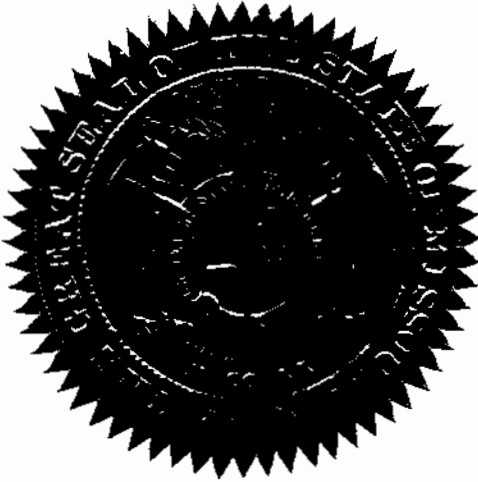
WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

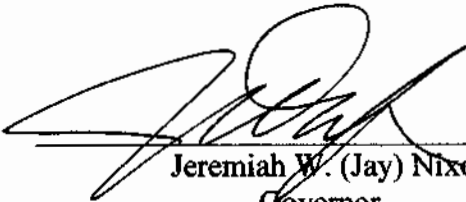
NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on February 28, 2011, unless extended in whole or in part.


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 31st day of January, 2011.





Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
11-04**

WHEREAS, I have been advised by the State Emergency Management Agency that the on-going and forecast severe storm systems have caused, or have the potential to cause, damages associated with snow, freezing rain, sleet, and ice impacting communities throughout the state of Missouri; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of the severe weather event that started on January 31, 2011, and continues; and

WHEREAS, the severe weather that began on January 31, 2011, and continues, has the potential to create a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

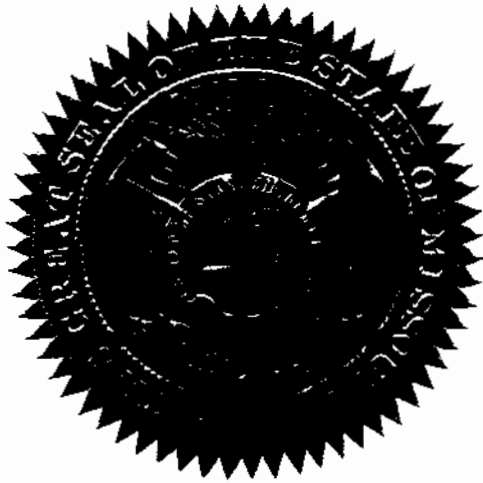
WHEREAS, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and


WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Section 41.480.2 RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this state.

This order shall terminate on February 28, 2011, unless extended in whole or in part.

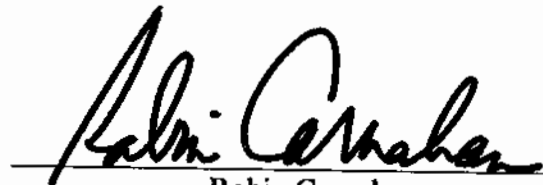


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 31st day of January, 2011.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
11-05**

WHEREAS, the State of Missouri remains under a state of emergency due to the historic winter storm that began on January 31, 2011 and has created a condition of distress and hazard to the safety, welfare, and property of its citizens; and

WHEREAS, many counties across the state received record or near record snowfall and are dealing with snow clearance that is beyond their capabilities; and

WHEREAS, impassable residential and secondary roadways place residents at risk and impede emergency responders from timely reaching citizens in need of their services; and

WHEREAS, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

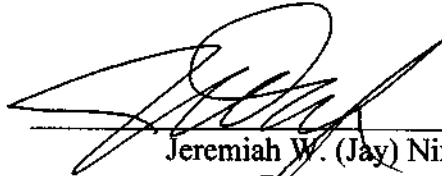
WHEREAS, the Missouri Department of Transportation continues to address snow clearing activities on the roadways under their direct supervision; and

WHEREAS, the use of snow clearing assets of the Missouri Department of Transportation to assist local jurisdictions in dealing with this unprecedented event will help relieve the condition of distress and hazard being experienced by our fellow Missourians.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, and Chapter 44, RSMo, hereby order the Missouri Department of Transportation to assist local jurisdictions in counties that: 1) received record snowfall amounts as certified by the State Emergency Management Agency; and 2) continuing snow clearance efforts exceed their capabilities. This order should not be implemented in a manner that impedes the Missouri Department of Transportation's snow clearance efforts on roadways under their primary jurisdiction.




IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2011.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

2 CSR 90-10.001 Definitions and General Provisions. The commission is adding new subsection (1)(N) and renumbering and amending subsection (1)(O).

PURPOSE: This amendment clarifies two (2) terms previously not defined.

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

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

[(N)](O) "Wholesaler," "broker," or "reseller," a seller of propane who is not a producer and who does not sell propane to the

ultimate consumer.

AUTHORITY: section 323.010, RSMo Supp. [2008] 2010. Original rule filed Oct. 15, 2008, effective March 30, 2009. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.011 Inspection Authority—Duties. The commission is amending sections (2), (3), and (4).

PURPOSE: This amendment incorporates references to new editions of the applicable national standards being adopted by rule, changes the deadline for certain required testing, and eliminates the requirement for notice of inspections. These rules do not apply to public utilities regulated by the Missouri Public Service Commission.

(2) The inspection authority shall have discretionary authority to require annual leak testing of all LPG 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 LPG 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 *[June] 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 LPG 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 LPGs and the standards for the installation of gas appliances and gas piping as published in the National Fire Protection Association publications, Numbers 54, *[1999] 2009* edition; 58, *[2001] 2008* edition; *[59, 1984 edition; 501A, 1982 edition;]* and *[501C, 1987] 1192, 2008* 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 LPG container or system is offered for sale, stored, being repaired, installed, or being used; and

AUTHORITY: section 323.020, RSMo Supp. [2008] 2010. Original rule filed July 13, 1977, effective Nov. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.012 Registration—Training. The commission is creating a new section (2) to establish a registration form and amending sections (4), (5), (6), and (7) and deleting section (8), with subsequent renumbering.

PURPOSE: This amendment establishes a registration application form, clarifies procedures and requirements of the current training rule, clarifies registration classes, and eliminates the requirement to display the state registration number.

(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 Gas 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.

[(2)](3) All persons applying for registration to engage in the business of handling, storing, or transporting LPGs or in the business of installing, repairing, or servicing piping, equipment, or appliances for use with LPGs 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.

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

[(4)](5) Every individual[, *except clerical personnel and others not actually*] handling LPGs or servicing appliances or equipment[,] within any business involved in handling, storing, or transporting LPGs or involved in the installation, repairing, or servicing of piping, equipment, or appliances for use with LPGs must attend and complete an initial training program **as defined in 2 CSR 90-10.012(6)**, including the passing of a written examination [*with a score of at least seventy-five percent (75%)*]. Every individual subject to the requirements of this section shall attend [*refresher*] 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 [*state-approved*] training program **approved by the director. The employer, or individual if self-employed, is responsible for ensuring compliance with this section.**

(6) Each training program's curriculum must be based on the [*National Propane Gas Association's (NPGA)*] **Propane and Education and Research Council (PERC) Certified Employee Training Program (CETP)** or equivalent, structured to meet the trainee's needs, and [*approved by the director*] **contain information on applicable statutes and regulations governing liquefied petroleum gases.** All training programs [*submitted to the director must contain information on applicable statutes and regulations governing liquefied petroleum gases;*] must be **instructor-led by a competent trainer, 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 grader. Programs must be approved by the director initially and resubmitted to the director for review and approval on a[n] bi-annual basis [or] and at such time change has been made; and any training program that, through audit, does not meet the approved training program criteria[,] may be rejected for use by the director.**

[(5)](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 MPGC-1219, MPGC-0910, and MPGC-1136, all published in 2008, and furnished for this purpose by the director, which may be obtained from the publisher, Missouri Propane Gas 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 LPG inspection authority of their state residency in determining eligibility for registration.

[(6)](8) A [*R*]registration application shall be filed [*at the time of or*] **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 [*operation*] **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 [*service*] **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 [*service*] **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 [upstream of the first stage regulator] and those systems addressed in NFPA 58;

(D) Class IV—Installer and [service] 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;] **Intentionally left blank.**

(H) Class VIII—Cylinder [sales] seller and [service] 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;

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

(K) Class XI—Transporter[s]. [An operation] A common carrier engaged in the business of transporting LP gas.

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

[(A)] This same number shall be used as an identifying number to be conspicuously displayed on each and every motor vehicle used by the registrant for the transportation of liquefied petroleum gas over the highways of this state.

[(B)] The number shall be preceded by the letters LPG MO.

[(C)] The letters and numbers shall be in a color contrasting with the background color, at least two inches (2") in height, painted with a minimum stroke width of one-fourth inch (1/4").

[(D)] The letters and numbers shall be located in clear view on the rear of each truck and bulk tank or on each side of a truck not equipped with a tank body.

[(E)] Trucks and truck tanks shall be numbered consecutively or by some other method of identification which has been approved by the inspection authority. This method of identification shall be used and placed on the tank or truck following the identifying number.]

[(8)] Each transporter making delivery to a bulk plant or any similar type delivery of LPG over the highways of this state, shall have the LPG MO identifying number printed or written on each ticket delivered to each consignee in this state receiving a product which is transported by the registered transporter.]

AUTHORITY: section 323.020, RSMo Supp. [2008] 2010. Original rule filed July 13, 1977, effective Nov. 11, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.013 Installation Requirements. The commission is amending sections (1)–(5), (9), and (11), adding new sections (2) and (9), deleting sections (8), (10), (12), and (13), and renumbering subsequent sections as needed.

PURPOSE: This amendment brings existing state rules into compliance with national codes and establishes a form for the submission of site plans.

(1) [Prior to installation, two (2) copies of the detailed plans of the proposed liquefied petroleum gas (LPG) installation covering the LPG system and piping, including the size and total storage capacity of all LPG storage tanks shall be forwarded to the inspection authority for consideration and approval for installations] **Prior to placing into service** 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[.], [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 LPG system has not begun within ninety (90) days from the date of approval by the state LPG inspection authority, new plans shall be resubmitted prior to the time installation does begin.] **form MPGC-0955 must be completed and submitted to the inspection authority. Form MPGC-0955, March 1, 2011, is published by the Missouri Propane Gas 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.**

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

[(2)](3) **Form MPGC-0910 including [D]detailed plans shall be furnished to the inspection authority for approval before installation of LPG containers having a water capacity of [ten] over two thousand [(10,000)] (2,000) gallons [or more], or two (2) or more containers that are to be connected and have a combined capacity [of ten] exceeding four thousand [(10,000)] (4,000) gallons [or over], or**

when LPG 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 MPGC-0910, March 1, 2011, is published by the Missouri Propane Gas 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 LPG system has not begun within one hundred eighty (180) days from the date of approval by the state LPG inspection authority, new plans shall be resubmitted prior to the time installation does begin.**

[(3)](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) Two (2) complete copies 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;

(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. *Relief valves shall be tested and if defective, replaced with new valves of proper design. A statement of all tests, inspections and valve replacements shall be submitted to the inspection authority; and*

14. *A statement that all materials and workmanship will be in conformity with the requirements of Missouri pertaining to LPG safety standards;* and

(D) All electrical equipment in vaporizer houses, pump houses, and cylinder filling rooms or other similar locations shall be of the type approved for use in Class 1, Group D, Hazardous Locations, of the *National Electrical Code*.

[(4)](5) All installations for use of LPGs in containers of sixty to one hundred ten (60–110) pounds, LPG capacity, shall be provided with

adequate and safe means of protection to assure that the cylinder is supported in its installed position and that there is reasonable protection from the elements.

[(5) When two (2) or more LPG containers, having a water capacity of over one thousand (1,000) gallons each or a combined total water capacity of more than one thousand two hundred (1,200) gallons, are connected by a common liquid line that provides outlet or inlet that may be used as a common filling or withdrawing convenience—]

(A) All tanks so connected shall be installed in a manner as to assure that the tops of all tanks are at the same elevation. *[and have approximately the same working pressure rating;*

(B) *Each tank shall be provided with the proper size and type excess flow valve in the immediate point of opening in the tank where the common line enters each tank;*

(C) *The rated capacity of excess flow valves in the common header between the tanks and the common pipeline from the system shall not be greater than the maximum flow capacity of the piping, valves and fittings located downstream from the point of installation of the excess flow valve; and*

(D) *All pipelines and connections shall be provided with sufficient flexibility to withstand any and all settling of the tank foundation, expansion or contraction of the system.]*

[(8) Industrial, commercial or institutional LPG storage tanks shall not be buried, mounded or partially mounded without specific approval by the LPG inspection authority. Approval shall not be granted until a complete assessment of the proposed system and location has been made and found to comply with all state and local safety requirements.]

[(9)](8) All LPG dispensers shall have **form MPGC-0910 and site plans** submitted as required by sections *[(1)–](3) and (4)*.

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

[(10) All LPG dispensers shall be protected from tampering or vandalism by either a six foot (6') high industrial-type fence with one (1) lockable gate or a lockable storage cabinet to protect service valves, meters, hoses and accessory equipment.]

[(11)](10) All LPG dispensers shall have recommended fill procedures posted in a conspicuous location, *[and all cylinder fill]*.

(A) All dispensers **in the retail business of refilling of cylinders** shall be equipped with a state-approved scale to be utilized for the safe filling of LPG cylinders. LP gas cylinders of one hundred (100) pounds propane capacity or less shall be filled by weight only utilizing a state-approved scale. Cylinders of one hundred (100) pounds capacity or less shall not be filled from any LP gas delivery vehicle. An exception may be made by the inspection authority for cylinders utilized in hot air balloon service if the cylinders are approved for such service, have an accurate approved method of gauging, are in good condition, and are filled in a safe location away from any source of ignition.

[(12) Each commercial and industrial LPG dispensing system, except those filled by weight only, shall incorporate into the dispensing system an approved pullaway device to stop the uncontrolled discharge of LPG. The pullaway device shall be adequately secured against displacement and shall be installed in accordance with the manufacturer's instructions.]

[(13) Polyethylene pipe or tubing may be used for LPG service if in compliance with the American Society of Testing and Materials (ASTM) D2513 Standards, National Fire Protection Association (NFPA) 58, 1995 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101 and incorporated by reference, installed only underground and approved by the LPG inspection authority. Plastic pipe or tubing shall not be used. This rule does not incorporate any subsequent amendments or additions to the referenced material.]

(11) All leak checks shall be performed as per 2009 NFPA 54 8.2. Documentation shall be kept on file.

AUTHORITY: section 323.020, RSMo Supp. [2008] 2010. Original rule filed July 13, 1977, effective Nov. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.014 Storage. The commission is amending sections (1), (9), (11), (12), and (18), deleting sections (3) through (8), (13), and (14), and creating new section (11), with subsequent renumbering.

PURPOSE: This amendment eliminates or clarifies existing state requirements that duplicate or conflict with national codes adopted by the authority.

(1) All liquefied petroleum gas (LPG) 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 on school grounds, public playgrounds, recreation park grounds, or any other playground areas where children in age groups from 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 **pip**ing system.

[(3) Used containers for storage of LPG, other than containers approved by the Interstate Commerce Commission (ICC) or the United States Department of Transportation and connected for use on a motor vehicle, shall not be imported into Missouri, or installed or used if they are not in conformance with the requirements of these regulations and unless the inspection authority has been furnished with the information contained in the manufacturer's data report. Name plate

data may be accepted in lieu of a manufacturer's data report on tanks of two thousand (2,000) gallons water capacity or less.]

[(4) A manufacturer's data report shall be furnished to the inspection authority on all new LPG containers, other than containers approved by the ICC or United States Department of Transportation, having a water capacity greater than one thousand (1,000) gallons.]

[(5) 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.]

[(6) All LPG storage containers, including portable or semi-portable with attached supports or foundations to be used for temporary or permanent installations, shall be mounted on solid concrete piers or foundations with a maximum height of the outside bottom of the container shell no more than five feet (5') from the ground.]

[(7) All skid-mounted LPG storage tanks to be used for temporary or permanent installation shall be mounted on solid concrete footings with the outside bottom of the container not more than three feet (3') from the ground.]

[(8) All skid-mounted LPG storage container systems of four thousand (4000)-gallon capacity (single or multiple containers) shall comply with the National Fire Protection Association Manual Number 58, 1995 edition, section 3-2.8.10, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101 and incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.]

*[(9)](3) All LPG bulk storage containers[, except those covered in section (1) of this rule,] of [two] **four** thousand [(2,000)] **(4,000)** gallons **water capacity (WC)** or more [capacity] shall have its pumps, piping, vaporizers, hoses, bulkheads, and related equipment protected from tampering by a metal **chain link or equivalent** industrial-type fence at least six feet (6') tall. All locations with one hundred (100) square feet or less fenced area shall have at least one (1) lockable access gate. All locations with more than one hundred (100) square feet fenced shall have at least two (2) lockable access gates.*

[(10)](4) All aboveground LPG storage containers shall be kept properly painted with a light reflective paint such as white or aluminum.

*[(11)](5) All aboveground LPG storage containers, [except domestic installations of two thousand (2,000) gallons capacity or less, shall be marked with warning signs placed in a conspicuous location on both sides and both ends of the container incorporating the following or equivalent wording: **FLAMMABLE—PROPANE: NO SMOKING OR OPEN FLAMES.**] **two thousand (2,000) gallons WC or more, and all dispensers shall be clearly marked PROPANE, FLAMMABLE, NO SMOKING on two (2) sides in a conspicuous location of 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.*

*[(12)](6) Each LPG [storage] 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[, address] and telephone number of the nearest representative, agent, or owner of the system.

[[13] After the effective date of this rule, where possible, all LPG bulk storage containers shall be installed parallel to surrounding buildings.]

[[14] Any LPG storage container and its related piping and equipment which may be exposed to vehicle damage shall be protected by guard rails or guard posts. All guard rails or guard posts shall be constructed of heavy gauge metal of sufficient strength to absorb vehicle impact without damage to the container or its related equipment.]

[[15]](7) Any LPG 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.

[[16]](8) Repair of any LPG 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.

[[17]](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.

[[18]](10) LP gas storage containers supplying mobile home parks, schools, hospitals, [commercial-industrial facilities,] 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 is not being utilized, the tank(s) 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 MPGC-0910 including detailed plans shall be furnished to the inspection authority for approval and approval must be granted by the inspection authority. Form MPGC-0910, March 1, 2011, is published by the Missouri Propane Gas 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.

AUTHORITY: section 323.020, RSMo Supp. [2008] 2010. Original rule filed July 13, 1977, effective Nov. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.015 Container, System, or Equipment Violations.
The commission is amending the rule title and section (3).

PURPOSE: This amendment clarifies jurisdictional authority of the commission.

(3) The tag or notice attached to the container, system, or equipment[,] shall be the property of [Missouri] the commission and only shall be removed by the inspection authority upon notification and/or request by the owner, [or] supplier, or his/her agent when defect or violation has been corrected. The tag is to be removed promptly after receiving notice of correction and reinspection.

AUTHORITY: section 323.020, RSMo [1986] Supp. 2010. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.020 NFPA Manual No. 54, National Fuel Gas Code.
The commission is amending section (1), deleting sections (2), (3), (5), (6), and (7), and renumbering subsequent sections.

PURPOSE: This amendment aligns Missouri's propane code for interior installations with the applicable national code.

(1) Standards contained in National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code*, [1999] 2009 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 (LPG) applications not covered in the manual. The scope of National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code*, [1999] 2009 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] All flexible appliance connectors shall be listed and approved for LPG use.]

[(3) All flexible appliance connectors which are listed and approved for LPG use shall have "Approved for LPG use" and pressure rating stamped or marked on connector.]

[(4)](2) The repair or welding of LPG appliance heat exchangers is strictly prohibited.

[(5) All appliances, except bunsen burners, ranges or cook-tops, installed in public buildings, such as schools, nursing homes or hospitals, shall be equipped with one hundred percent (100%) shut-off safety valves.]

[(6) All science or laboratory rooms using LPG shall have an accessible and marked master shut-off valve located within the science or laboratory room.]

[(7) All home economic, science, kitchen or laboratory rooms shall have an accessible, properly charged fire extinguisher with a minimum rating of twenty (20) ABC (A class-combustible materials, B class-flammable liquids, C class-live electrical equipment) located in an accessible location within the room.]

AUTHORITY: section 261.023.6, RSMo 2000 and section 323.020, RSMo Supp. [2008] 2010. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.040 NFPA Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases*. The commission is amending sections (1), (6), and (8) and deleting sections (3), (4), (5), and (7), with renumbering as needed.

PURPOSE: This amendment aligns Missouri's propane code for outdoor installations with the applicable national code and also defines requirements for dispenser training.

(1) This rule incorporates by reference National Fire Protection Association (NFPA) Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases*, [2001] 2008 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, as the current [S]standard for the [S]storage and [H]handling of [L]liquefied [P]petroleum [G]gases. This rule does not incorporate any subsequent amendments or additions to the referenced material.

[(3) It shall be unlawful for any person or corporation to put

into operation in this state any motor vehicle using liquefied petroleum gas (LPG) as a fuel unless the fuel containers and supporting equipment of the vehicle have been placed in service by an installer certified and registered by the LPG Inspection Authority, state of Missouri.]

[(4) All this installed equipment shall be identified by a state decal issued by the director and applied by the registered installer. Upon transfer of equipment from one (1) vehicle to another vehicle, the installation shall be reinspected and a new decal applied to the container and proper forms filed with the director.]

[(5) Registered applicants for retail sales of LPG shall not fill LPG storage containers installed on any vehicle where containers being used as a source for carburetion fuel, unless the container has displayed the official state decal installed per section (4). This shall not apply to transient vehicles.]

[(6)](3) At all LPG dispensers, it shall be the dispenser owner's responsibility to provide initial training to [specific] persons [on the operation of the dispenser] 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 [provide continuing] ensure dispenser operators successfully complete training[, as required by section 2 CSR 90-10.012(4), for each employee operating the dispenser] every three (3) years through a training program approved by the director.

[(7) No person shall transport in a passenger type vehicle, or sell for transportation, LPG in containers of forty-five pounds (45 lbs.) capacity or over unless the container is connected for direct use in the passenger vehicle.]

[(8)](4) The written Fire Safety Analysis, required by the [2001] 2008 edition of the National Fire Protection Association's Pamphlet 58, *Liquefied Petroleum Gas Code*, [section 3.10.2.2] 6.25.3, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, and incorporated by reference, shall be prepared by a person approved by the Missouri Propane Gas Commission, who has relevant experience and is knowledgeable of the practices of the LP gas industry. Except for an engineered facility, the Fire Safety Analysis may be prepared by the owner of the facility in cooperation with the local fire department and/or [F]fire [M]marshall. The Fire Safety Analysis for an engineered facility, such as one that incorporates refrigerated storage, automated fuel standby (either industrial or utility), or pipeline terminals, shall be prepared, stamped, and signed by a professional engineer who has relevant experience in LP gas or fire protection. This rule does not incorporate any subsequent amendments or additions to the referenced material.

AUTHORITY: section 261.023.6, RSMo 2000 and section 323.020, RSMo Supp. [2008] 2010. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

2 CSR 90-10.060 NFPA Manual No. 59, LP Gases at Utility Gas Plants. This rule provided for inspection standards for utility gas plants.

PURPOSE: This rule is being rescinded as utility gas plants are not under the commission's jurisdiction.

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 Feb. 3, 2011.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

2 CSR 90-10.070 NFPA Manual No. 501A, Manufactured Home Installations. This rule provided for separate installation standards for manufactured housing.

PURPOSE: This rule is being rescinded as it duplicates existing state codes.

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 Feb. 3, 2011.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

2 CSR 90-10.090 NFPA Manual No. [501C] 1192, Chapter [2] 5, Standard for Recreational Vehicles. The commission is amending the title of the rule and section (1).

PURPOSE: This amendment aligns Missouri's propane code for recreational vehicles with the applicable national code.

(1) The scope of National Fire Protection Association Manual No. [501C] 1192, Chapter [2] 5, *Standard on Recreational Vehicles, [1987] 2008* edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, covers the heat producing appliances and fuel systems within or on recreational vehicles. Whenever nationally recognized standards for heat producing appliances and fuel systems and this Chapter [2] 5 differ, the requirements of the latter shall apply.

AUTHORITY: section 323.020, RSMo [1986] Supp. 2010. 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 Feb. 3, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RULE

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 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) In addition to National Fire Protection Association (NFPA) 58, 2008 edition, 14.4.3.3, 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 Gas Commission by telephone of any event involving odorized 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 unintentional 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 shall submit a properly completed form MPGC-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 MPGC-5524, March 1, 2011, is published by the Missouri Propane Gas Commission, 4110 Country Club Dr., Suite 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 Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

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 forty-eight (48) hours before the noticed meeting. This petition shall state the name of the person who wishes to address the commission and a summa-

ry 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 Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.140 Informal Hearing

PURPOSE: This rule establishes an informal hearing policy and procedure.

(1) An informal hearing shall be conducted by at least one (1) commission member. The commissioner(s) may examine witnesses and make findings of fact and conclusions of law at an informal hearing. The commissioner(s) shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. A verbatim record of an informal hearing shall not be required.

(2) At an informal hearing, the person cited may be represented by an attorney. The commission may choose to have its attorney present to assist in providing legal opinions as needed by the commission.

(3) Notice of a scheduled informal hearing shall be provided to the person cited as stated in section 323.110.2, RSMo.

(4) If commissioner(s) determine by a preponderance of the evidence that the person cited fails to timely respond to such notifications or upon unsuccessful resolution of any issues relating to an alleged violation, such person cited may be summoned to a formal administrative hearing before the commission. Said hearing shall be conducted in conformance with Chapter 536, RSMo.

AUTHORITY: sections 323.110.2 and 323.025, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.145 Formal Hearings

PURPOSE: This rule describes types of hearings.

(1) The rules contained in this chapter shall govern all formal hearings of the commission. In all formal hearings before the commission, the applicant or registrant shall be the petitioner. For good cause, the commission may extend the time limits set forth in this chapter.

AUTHORITY: section 323.025, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.150 Hearing Officer

PURPOSE: This rule describes appointment of hearing officers.

(1) The commission shall retain a hearing officer, on a contract basis, 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 and conclusions of law and enter a final order.

(5) Notwithstanding the foregoing, the commission may by majority

vote designate one (1) or more commissioners to act as a hearing officer and conduct any hearing over which the commission has jurisdiction.

AUTHORITY: section 323.025, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions five thousand dollars (\$5,000) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Agriculture
Division Title: Weights and Measures
Chapter Title: Liquefied Petroleum Gases**

Rule Number and Name:	2 CSR 90-10.150 Hearing Officer
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Propane Gas Commission	\$5000

III. WORKSHEET

In the aggregate, it is estimated that a qualified hearing officer would perform 200 hours of labor at a rate of \$25.

IV. ASSUMPTIONS

The estimate is calculated assuming no unusual increase in demand for this service and the availability of qualified personnel at the estimated hourly rate. Historically, MPGC has not had the need to retain this type of officer. However, an estimate of \$5000 would take into account the fiscal impact of this service should it be required.

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

PROPOSED RULE

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 petitioner;
 - (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 petitioner will rely to prove its case, such as to show that the petitioner's application for a registration should have been granted, the registration should have been renewed, etc., including specific responses to any facts enumerated in the commission's notice 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 petitioner requests a hearing.

- (A) The petitioner 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 submitted in duplicate at the commission's office in Jefferson City.
- (C) No documents or papers shall be considered filed until actually received by the commission.
- (D) The hearing officer may deny a request for hearing if the statement of reasons and facts submitted by the petitioner do not establish a *prima facie* case.

- (3) The petitioner shall be served with written notice of the time and place of hearing by—
- (A) Personal delivery;
 - (B) Certified mail, postage prepaid; or
 - (C) Overnight express mail, postage prepaid.

AUTHORITY: sections 323.025 and 323.080, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

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 written notice 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 or conduct a particular hearing in whole or in part on behalf of petitioner.

(3) An attorney may only withdraw his/her appearance upon written notice 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: sections 323.025 and 323.080, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.165 Disciplinary Action

PURPOSE: This rule establishes procedures for disciplinary action.

(1) When notified of facts sufficient to support disciplinary action against a registrant under the applicable statutes or rules, the commission may propose disciplinary action against a registrant. If the commission proposes disciplinary action, it shall notify the registrant of the disciplinary action proposed by certified mail, 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 registrant is being charged with violating, and the penalty proposed. The proposed order shall be accompanied by a certificate of service demonstrating the date of service.

(3) Within thirty (30) days from the date of mailing of the proposed order, the registrant 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: sections 323.025 and 323.080, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.170 Proceedings

PURPOSE: This rule establishes procedures for conducting hearings.

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

(A) Upon written request served on a party, the requesting party shall be entitled to the name and address of any witness who may be called to testify on behalf of a party and all documents or other material in the possession or control of a party which the party reasonably expects will be introduced into evidence, the party shall be under a continuing duty to update this list.

(B) Upon the request of a party and for good cause shown, the hearing officer may allow other discovery to be conducted.

(2) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing the facts of his/her case by clear and convincing evidence including, but not limited to:

- (A) Why s/he should be registered;
- (B) Why s/he should not be disciplined; and
- (C) Why s/he does not owe a fine or penalty.

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

(4) 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 registrants, 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.

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

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

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

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

AUTHORITY: sections 323.025 and 323.080, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.175 Settlements

PURPOSE: This rule establishes the procedures 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 initiation 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: sections 323.025 and 323.080, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200,

Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.180 Transmittal of Record and Recommendation to the Commission

PURPOSE: This rule establishes the procedures for transmittal of the record and recommendations from the hearing officer.

- (1) The record shall consist of the following:
 - (A) The commission's notice to petitioner, the request for hearing, and all motions and rulings on the request for hearing;
 - (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;
 - (G) All briefs filed by either party;
 - (H) A proposed resolution approving the recommendations of the hearing officer;
 - (I) Any objections filed by either party to the hearing officer's written findings of fact, conclusions of law, and recommendations; and
 - (J) The recommendations and any findings of fact and conclusions of law made by the hearing officer.

(2) Oral proceedings, or any part of them, shall be recorded stenographically or 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) Upon conclusion of the hearing, the hearing officer shall issue to the commission and the petitioner written findings of fact and conclusions of law and his/her recommendations at least twenty (20) days prior to the public meeting at which the case is to be considered by the commission. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. The parties may file written objections or comments with the commission to the proposed findings of fact, conclusions of law, and recommendations issued by the hearing officer at least ten (10) days prior to the public meeting at which the case is to be considered by the commission.

(4) Final Commission Order.

(A) The commission shall review the entire record and shall render a written decision on the merits which shall contain findings of fact and conclusions of law and after that will issue a final commission order. During the public meeting at which the commission considers proposed findings of fact, conclusions of law, and recommendations issued by a hearing officer, the parties may present oral argument to the commission within the time limits that the commission may impose. The commission may take any of the following actions:

1. The commission may adopt the findings of fact, conclusions of law, and recommendations of the hearing officer as its final commission order;
2. The commission may modify the findings of fact, conclusions of law, and recommendations submitted by the hearing officer;
3. The commission may reject the findings of fact, conclusions of law, and recommendations submitted by the hearing officer; or

4. The commission may remand the matter, with instructions, to the hearing officer for further proceedings.

(B) As part of the final commission order, the commission may assess hearing costs, not to exceed fifty dollars (\$50), against any party who without good cause fails to appear at a hearing conducted pursuant to this chapter.

(C) Copies of the final commission order shall be served on a petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

AUTHORITY: sections 323.025 and 323.080, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

2 CSR 90-10.185 Prohibition on Ex Parte Communications

PURPOSE: This rule prohibits ex parte contacts between the parties and a hearing officer.

(1) A party or its representative shall not communicate directly or indirectly with the hearing officer regarding any pending matter, except upon notice and opportunity for all parties to participate or as provided in section (3).

(2) The prohibition on ex parte communications commences with the filing of a request for hearing.

(3) Communications with the hearing officer involving scheduling or uncontested procedural matters do not require notice or the opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the hearing officer when feasible, and shall notify other parties when seeking to continue hearings or extend other deadlines.

(4) The hearing officer may recommend sanctions and penalties if the hearing officer determines that a party has violated this rule. Such sanctions and penalties include, but are not limited to, censure, default judgment, or a directed finding on one (1) or more issues.

AUTHORITY: sections 323.025 and 323.080, RSMo Supp. 2010. Original rule filed Feb. 3, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.888 Sales “In Commerce” Between Missouri and Other States. This rule interpreted the sales tax as it applied to retail sales made “commerce” between Missouri and another state and applied section 144.030.1., RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-113.200, Determining Whether a Transaction is Subject to Sales Tax or Use Tax.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Jan. 31, 1992, effective Sept. 6, 1992. Rescinded: Filed Jan. 24, 2011.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RULE

12 CSR 10-23.475 Fees and Required Documentation for Designating Manufactured Homes as Real or Personal Property

PURPOSE: This rule establishes the fees and requirements for filing documentation with the Department of Revenue for purposes of designating manufactured homes as real estate or personal property under section 700.III, RSMo.

(1) An Affidavit of Affixation must be recorded with the recorder of deeds in accordance with section 442.015, RSMo, and filed with the director of revenue in accordance with section 700.111, RSMo, when a manufactured home is to be deemed as real estate.

(2) An Affidavit of Severance must be recorded with the recorder of deeds in accordance with section 442.015, RSMo, and filed with the director of revenue in accordance with section 700.111, RSMo, when a certificate of title application is completed on a manufactured home that was previously deemed as real estate through the filing of a properly executed Affidavit of Affixation with the director of revenue.

(3) When submitting a recorded Affidavit of Affixation to the director of revenue under section 700.111, RSMo, the affidavit shall be accompanied by either an Application for Surrender of Title or a Manufacturer’s Certificate of Origin, or an Application for Confirmation of Conversion when no such certificate of title or manufacturer’s certificate of origin can be located.

(4) The department will make available suggested forms containing the standard requirements for the Affidavit of Affixation, Affidavit of Severance, Application for Confirmation of Conversion, and Application for Surrender of Title or Manufacturer’s Certificate of Origin. The department’s suggested forms, or forms that substantially comply with their requirements, shall be used for filing with the recorder of deeds and director of revenue. All available forms may be obtained by mail by requesting a form in writing from the Missouri Department of Revenue, Motor Vehicle Bureau, Truman State Office Building, Room 370, 301 West High Street, PO Box 100, Jefferson City, MO 65105-0100 or from the department’s website.

(5) The fee for filing an Affidavit of Affixation or Affidavit of Severance with the Department of Revenue for the purposes of complying with section 700.111, RSMo, shall be the same amount as the fee collected for an original title in accordance with section 301.190, RSMo. In addition to such filing fee, the director shall collect a processing fee in accordance with subparagraph (2) of subsection 1 of section 136.055, RSMo.

AUTHORITY: section 700.III, RSMo Supp. 2010. Emergency rule filed Feb. 1, 2011, effective March 1, 2011, expires Aug. 27, 2011. Original rule filed Feb. 1, 2011.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-nine thousand one hundred twenty-eight dollars (\$29,128) in fiscal year 2011 and not more than five hundred dollars (\$500) per fiscal year thereafter. A detailed fiscal note has been prepared and included with this proposed rule filing.

PRIVATE COST: This proposed rule will cost private entities (consumers) approximately eighty-eight thousand dollars (\$88,000) in fiscal year 2011 and approximately two hundred sixty-four thousand dollars (\$264,000) per fiscal year thereafter. A detailed fiscal note has been prepared and included with this proposed rule filing.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-23.475 Fees and Required Documentation for Designating Manufactured Homes as Real or Personal Property
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimate Cost of Compliance in the Aggregate.
Department of Revenue	This proposed rule will cost the department approximately \$29,128 in fiscal year 2011.

III. WORKSHEET

Purpose	FY2011	FY2012	FY2013
Salaries	0	0	0
Fringe Benefits	0	0	0
Programming	\$26,712	0	0
Equipment/Expense	\$ 2,416	0	0
Total	\$29,128	0	0

IV. ASSUMPTIONS

The costs reflected in this fiscal note are associated with 1,008 hours of programming computer systems and the development and maintenance of the forms referenced in the rule.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Title:	12 CSR 10-23.475 Fees and Required Documentation for Designating Manufactured Homes as Real or Personal Property
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
24,000 (annually)	Individual Consumers	\$264,000

III. WORKSHEET

Fiscal Year	Total Manufactured Homes	Estimated % of Conversion	Annual Conversions	Transaction Fee	Total Collections Annually
2011	80,000	10%	8,000	\$11.00	\$88,000
2012	240,000	10%	24,000	\$11.00	\$264,000
2013	240,000	10%	24,000	\$11.00	\$264,000

IV. ASSUMPTIONS

The department discussed the potential volume of applicants who will request that their manufactured homes be converted to real property with the Missouri Bankers Association (MBA). MBA did not have any estimates of the potential market for such transactions.

In order to determine a revenue impact as a result of transaction fees collected by the department when processing affidavits of affixation and severance, the department is estimating that ten percent (10%) of titled manufactured homes will convert the home to real property through the processes outlined in this proposal. These conversion transactions will be charged eight dollars and fifty cents (\$8.50) per transaction (current title fee applied for similar types of transactions) and two dollars and fifty cents (\$2.50) processing fee.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization

PROPOSED AMENDMENT

12 CSR 30-3.010 Appeals From the Local Board of Equalization.
The commission is amending sections (1), (2), and (4).

PURPOSE: This amendment addresses payment of taxes under protest; sets out the procedure for non-Missouri attorneys to practice before the commission; and allows a party to retain the services of a court reporter in appeal hearings before the commission.

(1) Every owner of real property or tangible personal property shall have the right to appeal from the decision of the local board of equalization, upon compliance with the following rules:

(B) A complaint appealing a property assessment shall be filed not later than September 30 or within thirty (30) days of the decision of the board of equalization, whichever is later.

1. In any county or the City of St. Louis, the owner may appeal directly to the State Tax Commission (a) where the assessor fails to notify the current owner of the property of an initial assessment or an increase in assessment from the previous year, prior to thirty (30) days before the deadline for filing an appeal to the board of equalization, including instances in which real property was transferred and the prior owner was notified, or (b) where a new owner purchased real property less than thirty (30) days before the deadline for filing an appeal to the board of equalization or later in the tax year, regardless if the assessment is an initial assessment, an increase or decrease in assessment, or an assessment established in the prior year. Appeals under this paragraph shall be filed within thirty (30) days after a county official mailed a tax statement or otherwise first communicated the assessment or the amount of taxes to the owner or on or before December 31 of the tax year in question, whichever is later. Proof of late notice, the date of purchase, and/or notice sent to the prior owner shall be attached to, or set forth in, the complaint.

2. A property owner who, due to lack of notice, files an appeal directly with the State Tax Commission after tax statements are mailed *[shall]* **should** pay his or her taxes under protest pursuant to the requirements of section 139.031, RSMo, and the county collector shall upon receiving either the payment under protest or the notice specified in section 138.430, RSMo, impound all portions of taxes which are in dispute. *Payment of taxes without a section 139.031, RSMo, protest and prior to the time when the State Tax Commission's notice under section 138.430.4, RSMo, is received by the county collector will result in disbursement of taxes and dismissal of complainant's appeal;*

(2) On any appeal taken to the commission from the local board of equalization, a natural person may represent him/herself in the proceedings before the commission. The county assessor, but not a deputy, may represent his/her office in such proceedings. All others must appear through an attorney licensed to practice law in Missouri or in another jurisdiction.

(B) Any attorney~~[,]~~ not licensed in this state but who is a member in good standing of the bar of any court of record~~[,]~~ may be permitted to appear and participate in a particular *[case]* appeal(s) before the commission under the following conditions: The visiting attorney shall file with his/her initial pleading a **receipt for his/her pro hac vice authorization from the clerk of the Missouri Supreme Court to appear before the commission on the designated appeal or appeals along with** a statement identifying each court of which s/he is a member of the bar and certifying that neither s/he nor any member of his/her firm is disqualified from appearing in any such court. Also, the statement shall designate some member of the Missouri Bar having an office in Missouri as associate counsel. This designated attorney shall enter his/her appearance as an attorney of record.

(4) The commission shall make arrangements to have all appeal hearings *[in appeals from the local boards of equalization]* suitably recorded and preserved. **Upon a motion of a party filed at least seven (7) days prior to the hearing, the commission may approve the recording and transcription of any hearing by a court reporter hired by a party provided that such party shall furnish the commission and the opposing party a copy of the transcript at no cost and the party supplying the court reporter and the court reporter agree that such transcript retained by the commission shall be available for inspection and copying by the public pursuant to Chapter 610, RSMo. The commission may adopt the resulting transcript as the official record of the proceeding.**

AUTHORITY: section 138.430, RSMo Supp. [2009] 2010. This rule was previously filed as 12 CSR 30-2.030. Original rule filed Dec. 13, 1983, effective March 12, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 27, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 61—Licensing Rules for Family Day
Care Homes

PROPOSED AMENDMENT

19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel. The department is adding a new subsection (1)(N).

PURPOSE: This amendment adds the requirement that child care providers in family child care homes have current first aid and CPR training.

(1) General Requirements.

(N) The provider shall have documentation on file at the home of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training. The training shall be certified by a nationally-recognized organization, such as the American Red Cross or an equivalent certification approved by the department. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. First Aid/CPR training may count toward the annual clock hour training requirement.

AUTHORITY: section 210.221.1(3), RSMo [Supp. 1998] 2000. This rule previously filed as 13 CSR 40-61.090, 13 CSR 40-61.105, and 19 CSR 40-61.105. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 28, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Section for Child Care Regulation, Nancy McIsaac, Child Care Program Specialist, PO Box 570, Jefferson City, MO 65102, by faxing to (573) 526-5345, or via email at Nancy.McIsaac@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 61—Licensing Rules for Family Day
Care Homes**

PROPOSED AMENDMENT

19 CSR 30-61.175 Child Care Program. The department is amending paragraph (2)(C)3. to add new requirements.

PURPOSE: This amendment adds the requirement that naptime for infants and toddlers is to meet the child's individual needs. It also adds the requirement that children under twelve (12) months of age shall be placed on their backs to sleep and that their heads are to remain uncovered during sleep.

(2) Daily Activities for Children.

(C) Daily activities for infants and toddlers shall include:

1. Developmental and exploratory play experiences and free choices of play appropriate to the interests, needs, and desires of infants and toddlers;

2. Regular snack and meal times according to each infant's individual feeding schedule as stated by the parent(s);

3. A supervised nap period[.] that meets the child's individual needs. Unless a written exception from a child's physician is on file at the facility, a child under twelve (12) months of age shall be placed on his/her back to sleep. An infant's head shall remain uncovered during sleep. After awakening, an infant may remain in the crib as long as s/he is content, but never for periods longer than thirty (30) minutes. Toddlers shall be taken out of bed for other activities when they awaken;

4. Individual attention and play with adults, including holding, cuddling, talking, and singing;

5. Opportunities for sensory stimulation which includes visual stimulation through pictures, books, toys, nonverbal communication, games, and the like; auditory stimulation through verbal communication, music, toys, games, and the like; and tactile stimulation through surfaces, fabrics, toys, games, and the like;

6. Encouragement in the development of motor skills by providing opportunities for reaching, grasping, pulling up, creeping, crawling, and walking; and

7. Opportunity for outdoor play when weather permits.

AUTHORITY: section 210.221[.1(3)], RSMo [Supp. 1998] 2000. This rule previously filed as 13 CSR 40-61.160, 13 CSR 40-61.175, and 19 CSR 40-61.175. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.175, effective Dec. 9, 1993. Changed to 19 CSR 30-61.175 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Section for Child Care Regulation, Nancy McIsaac, Child Care Program Specialist, PO Box 570, Jefferson City, MO 65102, by faxing to (573) 526-5345, or via email at Nancy.McIsaac@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 62—Licensing Rules for Group [Day] Child
Care Homes and Child [Day] Care Centers**

PROPOSED AMENDMENT

19 CSR 30-62.102 Personnel. The department is adding a new subsection (1)(O) and amending the title of the chapter.

PURPOSE: This amendment adds the requirement that child care providers in group homes and child care centers have current first aid and CPR training.

(1) General Staff Requirements.

(O) The licensee shall have documentation on file at the facility of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training for a sufficient number of child care staff to ensure that there is one (1) caregiver at the facility for every twenty (20) children in the licensed capacity. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. The training shall be certified by a nationally-recognized organization, such as the American Red Cross or an equivalent certification approved by the department. First Aid/CPR training may count toward the annual clock hour training requirement.

AUTHORITY: section 210.221[.1(3)], RSMo [Supp.1998] 2000. This rule previously filed as 13 CSR 40-62.091, 13 CSR 40-62.102, and 19 CSR 40-62.102. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 28, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Section for Child Care Regulation, Nancy McIsaac, Child Care Program Specialist, PO Box 570, Jefferson City, MO 65102, by faxing to (573) 526-5345, or via email at Nancy.McIsaac@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 62—Licensing Rules for Group [Day] Child
Care Homes and Child [Day] Care Centers**

PROPOSED AMENDMENT

19 CSR 30-62.182 Child Care Program. The department is amending paragraph (2)(C)3. to add new requirements and amending the title of the chapter.

PURPOSE: This amendment adds the requirement that naptime for infants and toddlers is to meet the child's individual needs. It also adds the requirement that children under twelve (12) months of age shall be placed on their backs to sleep and that their heads are to remain uncovered during sleep.

(2) Daily Activities for Children.

(C) Daily activities for infants and toddlers shall include:

1. Developmental and exploratory play experiences and free choices of play appropriate to the interests, needs, and desires of infants and toddlers;
2. Regular snack and meal times according to each infant's individual feeding schedule as stated by the parent(s);
3. A supervised nap period[.] **that meets the child's individual needs. Unless a written exception from a child's physician is on file at the facility, a child under twelve (12) months of age shall be placed on his/her back to sleep. An infant's head shall remain uncovered during sleep.** After awakening, an infant may remain in the crib as long as s/he is content, but never for periods longer than thirty (30) minutes. Toddlers shall be taken out of bed for other activities when they awaken;
4. Individual attention and play with adults, including holding, cuddling, talking, and singing;
5. Opportunities for sensory stimulation which includes visual stimulation through pictures, books, toys, nonverbal communication, games, and the like; auditory stimulation through verbal communication, music, toys, games, and the like; **and** tactile stimulation through surfaces, fabrics, toys, games, and the like;
6. Encouragement in the development of motor skills by providing opportunities for reaching, grasping, pulling up, creeping, crawling, and walking; and
7. Opportunity for outdoor play when weather permits.

AUTHORITY: section 210.221[.1(3)], RSMo [Supp.1998] 2000. This rule previously filed as 13 CSR 40-62.170, 13 CSR 40-62.182, and 19 CSR 40-62.182. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.182, effective Dec. 9, 1993. Changed to 19 CSR 30-62.182 July 30, 1998. Amended: Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Section for Child Care Regulation, Nancy McIsaac, Child Care Program Specialist, PO Box 570, Jefferson City, MO 65102, by faxing to (573) 526-5345, or via email at Nancy.McIsaac@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.