

SECOND REGULAR SESSION

# HOUSE BILL NO. 2036

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE HOPPE.

Read 1<sup>st</sup> time February 21, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4423L.01I

---

### AN ACT

To amend chapter 260, RSMo, by adding thereto six new sections relating to underground liquid storage systems.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 260, RSMo, is amended by adding thereto six new sections, to be  
2 known as sections 260.1025, 260.1028, 260.1031, 260.1034, 260.1037, and 260.1040, to read  
3 as follows:

**260.1025. As used in sections 260.1025 to 260.1040, the following terms shall mean:**

- 2       (1) "Advisory board", a board of from five to seven members, to be appointed by  
3 the director of the department of natural resources, in the manner prescribed in section  
4 260.1034, for the purpose of providing expert counsel to personnel of the agency with  
5 respect to the examination and licensing of installers;
- 6       (2) "Agency", the Missouri department of natural resources, which shall be  
7 charged with responsibility for licensing installers and enforcing licensing provisions;
- 8       (3) "Contracting company", a corporation, partnership, or duly constituted  
9 individual proprietorship which holds itself out as being qualified to install, repair, or  
10 remove underground liquid storage systems;
- 11       (4) "Installer", a contracting company or person, as defined herein, who is engaged  
12 in the installation, maintenance, or removal of underground liquid storage systems;
- 13       (5) "Person", an individual, connected with a contracting company as defined in  
14 subdivision (3) of this section, who exercises authority within the company by virtue of  
15 ownership interest or management position. Person shall also include individuals such as  
16 the crew chief, expeditor, engineer, supervisor, leadman, or foreman in charge of a tank  
17 installation project;

18           (6) "Removal", the process of removing and disposing of an underground liquid  
19 storage system, no longer in service, and shall also mean the process of abandoning such  
20 a system, in place, through use of prescribed techniques for the purging of vapors and the  
21 filling of the vessel with an inert material;

22           (7) "Repair", modification or correction of an underground liquid storage system  
23 through such means as replacement of valves, fillpipes, vents, and liquid level monitoring  
24 systems, and maintenance and inspection of the efficacy of cathodic protection devices, but  
25 the term does not include the process of relining an underground tank through application  
26 of such materials as epoxy resins, or the process of conduction tightness testing to establish  
27 the integrity of the tank. Tank lining and tank tightness testing are specialized activities  
28 and, although an installation contracting company may engage in these activities, it is not  
29 the purpose of sections 260.1025 to 260.1037 to include tank lining and tightness testing as  
30 activities subject to licensing;

31           (8) "Underground liquid storage system", a tank, together with its related piping:

32           (a) Which has a liquid capacity in excess of two hundred fifty United States gallons;

33           (b) Which is intended for use as a storage vessel for liquid petroleum derivatives  
34 such as gasoline, heating oil, diesel fuel, and aviation jet fuel, or as a storage vessel for any  
35 liquid chemical that has been classified as hazardous by an agency of the federal  
36 government; and

37           (c) At least ten percent of which is located beneath the surface of the ground;  
38 provided that a tank and piping system located in an underground structure, such as in the  
39 basement of a building, shall not be considered to be an underground liquid storage system  
40 if the entire system can be visually inspected.

          260.1028. 1. Beginning March 1, 2003, no contracting company shall engage in the  
2 installation, repair, or removal of an underground liquid storage system unless the  
3 company shall have filed with the agency, on a form prescribed by the agency,  
4 documentation demonstrating that during the previous two years the company has been  
5 regularly and specifically engaged in the installation, repair, and removal of such systems,  
6 as a primary business, and unless the agency shall have issued to such company, as a result  
7 of said documentation, an interim tank installers license.

8           2. Beginning September 1, 2003, the agency shall conduct written examinations, at  
9 such times and locations within the state as the agency may designate, for the purpose of  
10 identifying persons and contracting companies as being qualified to receive tank installers  
11 licenses. Such licenses shall be issued for periods of two years, and shall be subject to  
12 periodic renewal thereafter under procedures to be prescribed by the agency. Effective  
13 March 1, 2004, no contracting company shall engage in the installation, repair, or removal

14 of an underground liquid storage system unless such company shall have been issued a  
15 tank installers license. Unless renewed on a timely basis, under procedures prescribed by  
16 the agency, the tank installers license shall become invalid on the expiration date  
17 designated in the license.

18       **3. Both the interim tank installers license and the tank installers license shall be**  
19 **valid in all counties and municipalities throughout the state, and the issuance of such a**  
20 **license to a contracting company shall serve as authority for the company to engage in the**  
21 **installation, repair, and removal of underground liquid storage systems in any jurisdiction**  
22 **within the state without requirement for obtaining additional county or local licenses;**  
23 **provided, however, that local jurisdictions may impose more stringent requirements for**  
24 **installation, repair, and removal of such systems than are imposed by state regulations.**  
25 **In such circumstances, a licensed contracting company shall be required to conduct its**  
26 **operations within the local jurisdiction in conformity with the local requirements, and**  
27 **failure to do so shall be cause for cancellation of the license.**

28       **4. To qualify for a company license, a contracting company must meet the following**  
29 **requirements:**

30       **(1) At least one active officer or executive of the company must successfully**  
31 **complete the written examination pursuant to section 260.1031;**

32       **(2) The company must submit documentation showing that it has commercial**  
33 **insurance, surety bonds, or liquid company assets which, in combination, represent a value**  
34 **of not less than five times the value of the largest underground storage tank installation**  
35 **contract performed by the company during the previous two years;**

36       **(3) The company must stipulate, in its license application, that on any and all jobs**  
37 **involving the installation, repair, or removal of an underground liquid storage system, a**  
38 **person, as defined in section 260.1025, who has successfully completed the licensing**  
39 **examination for individuals personally will be present at the job site not less than seventy-**  
40 **five percent of the time during the progress of the work, and that such person shall exercise**  
41 **responsible supervisory control over the work.**

**260.1031. 1. Examinations administered to candidates for licensing under the terms**  
2 **of sections 260.1025 to 260.1040 shall be written multiple-choice examinations, consisting**  
3 **of approximately eighty questions covering all aspects of installation, repair, and removal**  
4 **of underground liquid storage systems. The questions used in an actual examination shall**  
5 **be extracted from a set of approximately one hundred eighty questions, approved by the**  
6 **agency, and based on current technology and industry recommended practices with respect**  
7 **to the proper installation, repair, and removal of underground liquid storage systems. The**  
8 **larger set of questions, from which the actual examination questions are extracted, shall**

9 be made available to candidates for licensure pursuant to section 260.1037, for use as a  
10 study guide, together with related material, in preparation for an examination.

11 2. Questions used in the examination shall be derived from standards, instructions,  
12 and recommended practices published by such authorities as the Petroleum Equipment  
13 Institute, American Petroleum Institute, Steel Tank Institute, National Association of  
14 Corrosion Engineers, Fiberglass Tank and Pipe Manufacturers Institute, National Fire  
15 Protection Association, Western Fire Chiefs Association, and Underwriters Laboratories.  
16 Additional questions may be derived from regulations adopted by the agency, from sections  
17 260.1025 to 260.1037, and from other laws of the state.

18 3. Examinations shall be conducted by personnel of the agency, personnel of  
19 approved community colleges located within the state who are selected and designated by  
20 the agency, or by personnel of private testing organizations who are selected by the agency  
21 and compensated on a contract basis.

22 4. Candidates for licensure shall correctly answer not less than seventy-five percent  
23 of the questions on an examination in order to qualify for licensing.

24 5. Acting on counsel of the advisory board, the agency shall devise and make  
25 publicly available its own policies and procedures for updating examinations, preserving  
26 the security of examinations, and administering examinations.

260.1034. 1. The director of the agency shall nominate and appoint not less than  
2 five nor more than seven members of a body to be known as the "Tank Installers Licensing  
3 Advisory Board". Members of the board shall include one representative from each of the  
4 following:

5 (1) The Missouri Petroleum Marketers and Convenience Store Association;

6 (2) The Petroleum Equipment Institute; provided, that the person so appointed  
7 shall be an officer of a contracting company that is a member in good standing of the  
8 Petroleum Equipment Institute and a resident of this state;

9 (3) The American Petroleum Institute; provided, that the person so appointed shall  
10 be a registered engineer, shall be a resident of this state, and shall be an employee of a  
11 company that is a member in good standing of the American Petroleum Institute;

12 (4) The division of fire safety within the Missouri department of public safety;

13 (5) Any additional members as may be suitable for appointment pursuant to rules  
14 and regulations adopted by the director of the agency.

15 2. Members of the tank installers licensing advisory board shall offer technical  
16 expertise, suggestions, and other counsel to the director of the agency for the purpose of  
17 assisting the director of the agency in planning, updating, and administering the tank  
18 installers licensing program, provided, however, that the activities of the board shall be

19 advisory only and that final authority for administration of the licensing program shall rest  
20 with the agency.

21       3. Members of the board not otherwise employed by the state shall serve without  
22 compensation. However, they shall be reimbursed for expenses related to attendance at  
23 meetings, or otherwise incurred in carrying out the duties of the board, on the same basis  
24 as provided for state employees. The normal term of office for a member of the board shall  
25 be three years, provided, however, that at the time of the initial appointment of board  
26 members, the director of the agency may designate terms of lesser duration for some  
27 members as a means of achieving staggered tenure and preserving continuity. No board  
28 member may be appointed to more than two successive three-year terms.

29       4. The identity, the affiliation, and the tenure of each member of the board shall be  
30 made a matter of public record each year by the director of the agency. The board shall  
31 meet at least once per annum, during the first quarter of the calendar year, and more  
32 frequently at the pleasure of the director of the agency.

33       5. At the first meeting of the board held each year, members of the tank installers  
34 licensing advisory board shall elect, from among their own number, a chairman. The  
35 chairman so elected shall serve for a period of one year, shall preside at meetings of the  
36 board, and shall be eligible for reelection.

37       6. The person elected as chairman shall appoint another member of the board to  
38 serve as vice chairman. The person so named shall preside at meetings of the board in the  
39 absence of the chairman. The director of the agency shall designate a member of his or her  
40 staff to serve as secretary to the board. The secretary shall prepare meeting agendas and  
41 notices, prepare minutes of board meetings, and otherwise maintain records related to the  
42 proceedings and activities of the board.

260.1037. 1. To qualify for a license as a tank installer, an applicant need not be  
2 a resident of this state.

3       2. Effective September 1, 2003, no person shall be issued a license as a tank installer  
4 unless he or she shall have successfully passed a written examination pursuant to section  
5 260.1031.

6       3. A fee schedule covering examinations, issuance of licenses, license renewals, and  
7 examination instructional materials shall be devised and published by the agency, and no  
8 person shall be issued a license as a tank installer unless he or she shall have paid all  
9 appropriate fees.

10       4. Tank installers licenses shall be subject to renewal at two-year intervals. A  
11 person who has been issued a license may renew the license for another two-year period  
12 by paying the designated renewal fee. In addition, as a condition of renewal, the agency

13 may require that all applicants for renewal of a tank installers license present evidence of  
14 continuing competency in the tank installation field. Such evidence may consist of  
15 documentation showing professional training courses successfully completed, scope of tank  
16 installations performed during the previous two years, recent letters of commendation  
17 from environmental and fire safety officials, or other similar evidence as defined by the  
18 director of the agency.

19       5. As other states develop similar licensing programs for underground storage  
20 system installers, the agency may elect to establish reciprocal arrangements with such  
21 states, and to provide for the licensing in this state of persons who have successfully  
22 completed examinations and otherwise qualified for a license in another state.

23       6. Should an applicant be denied issuance of a license as a tank installer, or should  
24 an applicant be denied renewal of a license as a tank installer, the reason or reasons for  
25 such denial shall be set forth in writing by the director of the agency. The reasons may  
26 include failure to achieve a passing grade on a written examination, failure to submit  
27 required documentation, previous revocation of a tank installers license held by the  
28 applicant, evidence of fraud or deceit with respect to the license application, willful  
29 violation of the laws and regulations of this state regarding underground tank system  
30 installation, or other cause which, in the opinion of the director of the agency, constitutes  
31 adequate grounds for denial of a license. An applicant, having been denied issuance of a  
32 license, may appeal the action to the administrative hearing commission in accordance with  
33 the procedures set forth in chapter 621, RSMo.

260.1040. The director of the agency shall have the authority to promulgate all  
2 rules and regulations necessary to implement the provisions of sections 260.1025 to  
3 260.1040. No rule or portion of a rule promulgated pursuant to the authority of this  
4 section shall become effective unless it has been promulgated pursuant to chapter 536,  
5 RSMo.