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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>

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Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 915 S. Jefferson Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Spiva Library Missouri Southern State University 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 1997 E. Jackson Blvd. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
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. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
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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.

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

## EXECUTIVE ORDER 11-16

WHEREAS, on April 22, 2011, by Executive Order 11-06, I declared a State of Emergency and directed the Missouri State Emergency Operations Plan to be activated; and

WHEREAS, on May 20, 2011, by Executive Order 11-09, I extended the declaration of emergency contained in Executive Order 11-06 through June 20, 2011; and

WHEREAS, on May 22, 2011, the City of Joplin was hit by a tornado and severe storms causing a natural disaster of historic proportions which created a condition of distress and hazards to the health, safety, and welfare of citizens of the state of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the tornado and severe storms that occurred on May 22, 2011 in the City of Joplin have destroyed schools and school buildings within the Joplin Public School system; and

WHEREAS, on May 26, 2011, by Executive Order 11-13, and on June 1, 2011, by Executive Order 11-15, I authorized the Joplin Public School system to proceed with the rebuilding of seven buildings within the school district; and

WHEREAS, the Joplin Public School system has continued to identify and evaluate various structures that can be retrofitted, equipped and furnished to house students during the 2011-2012 school year; and

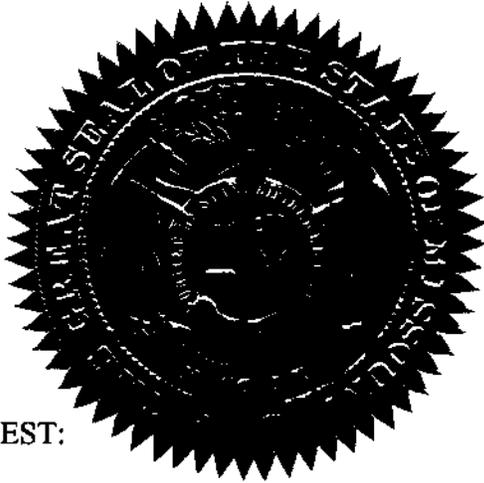
WHEREAS, school resumes in seventy-seven days and, without immediate efforts to retrofit, equip and furnish various structures identified by the Joplin Public School system, hundreds of students will be displaced; and

WHEREAS, in order to immediately respond to the emergency and to protect and safeguard the public health, safety, and welfare of the citizens of the state of Missouri, it is necessary to adjust certain state laws, rules and regulations on a temporary and short-term basis.

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 Chapter 44, RSMo, do hereby authorize:

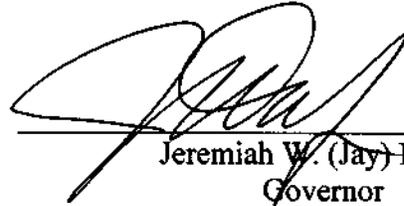
The Joplin Public School system may begin immediately to retrofit, equip and furnish various warehouse and retail structures to house district programs displaced by the tornado including Joplin High School, Franklin Technology Center, Special Education Offices and At-Risk Programs, without requiring advertisement for bids.

This order shall terminate on June 20, 2011, unless extended in whole or in part.



ATTEST:

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 3rd day of June, 2011.



---

Jeremiah W. (Jay) Nixon  
Governor



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Robin Carnahan  
Secretary of State

EXECUTIVE ORDER  
11-17

WHEREAS, on Sunday, May 22, 2011, a devastating tornado tore through City of Joplin, Missouri, destroying thousands of homes, businesses, schools, and other facilities and critical infrastructure, and causing tragic loss of life; and

WHEREAS, in the immediate aftermath of the storm, I deployed agencies from across state government, including the Missouri National Guard, the Missouri State Highway Patrol, and others, to coordinate our response and recovery efforts in the City of Joplin; and

WHEREAS, on Thursday, May 26, 2011, department directors, senior staff, and program managers from numerous state agencies traveled to Joplin for a Community Response Meeting, at which more than 1,300 local residents accessed resources and information about the services available from the state of Missouri to assist with recovery and rebuilding; and

WHEREAS, thousands of citizens continue to struggle to meet essential needs in the aftermath of this tragedy; and

WHEREAS, there is a continuing need in the City of Joplin for convenient access to resources and timely information regarding state recovery programs and services, including debris removal, food assistance, temporary employment, temporary housing, and unemployment assistance; and

WHEREAS, it will be most convenient for businesses, families, individuals, and organizations in the City of Joplin to be able to access these state recovery and rebuilding resources through a centralized, comprehensive center, rather than through disparate offices located throughout the community; and

WHEREAS, the State of Missouri will continue to be actively engaged in every stage of the recovery and rebuilding of the City of Joplin.

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, do hereby establish the State of Missouri Resource, Recovery & Rebuilding Center in the City of Joplin, Missouri. The purpose of the State of Missouri Resource, Recovery & Rebuilding Center will be to provide a convenient, centralized location for accessing services and information in the wake of the devastating tornado.

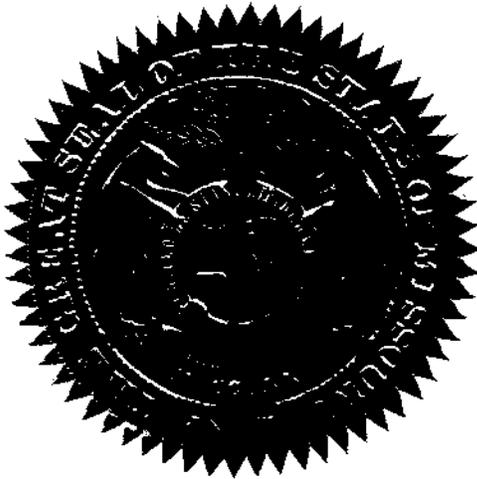
I further direct the following state departments and agencies to provide information and staff to the State of Missouri Resource, Recovery & Rebuilding Center:

Missouri Department of Elementary and Secondary Education  
Missouri Department of Economic Development  
Missouri Department of Health and Senior Services  
Missouri Housing Development Commission  
Missouri Department of Insurance, Financial Institutions and Professional Registration  
Missouri Department of Labor and Industrial Relations  
Missouri Department of Mental Health

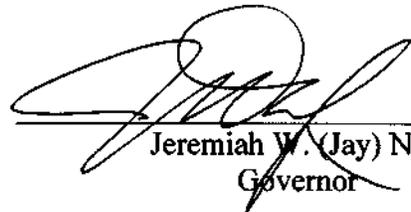
Missouri Department of Natural Resources  
Missouri Department of Public Safety  
Missouri State Emergency Management Agency  
Missouri Department of Revenue  
Missouri Department of Social Services  
Missouri Division of Workforce Development

I further direct that all state departments and agencies, upon request, shall provide such personnel, services, or information as necessary to support the mission and purpose of the State of Missouri Resource, Recovery & Rebuilding Center.

This Order shall be effective immediately and shall continue until superseded or terminated by further order.



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 7<sup>th</sup> day of June, 2011.

  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
Robin Carnahan  
Secretary of State

**EXECUTIVE ORDER  
11-18**

**WHEREAS, tornadoes, floods and severe storms that began affecting Missouri in April, 2011, continue to cause distress and hazards to citizens and communities across the state; and**

**WHEREAS, the state of Missouri is currently under a state of emergency pursuant to Executive Order 11-06 and extended by Executive Order 11-09; and**

**WHEREAS, the United States Army Corps of Engineers is and will continue to release water at unprecedented levels from reservoirs located in the upper Missouri River basin; and**

**WHEREAS, many communities, residences, businesses, agricultural land and critical infrastructure are located along the Missouri River; and**

**WHEREAS, the action of the United States Corps of Engineers is predicted to significantly raise the level of the Missouri River with the potential of causing widespread flooding and placing individuals and property in peril; and**

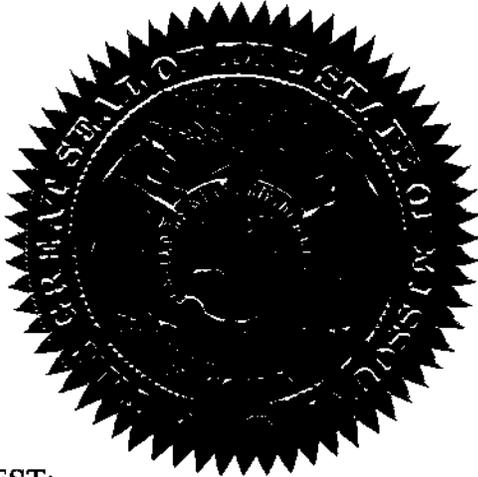
**WHEREAS, communities along the Missouri River have begun responding to the flooding threat; and**

**WHEREAS, the magnitude of the expected flooding will exceed the capabilities of local jurisdictions and other established agencies and will necessitate the assistance of state emergency resources; and**

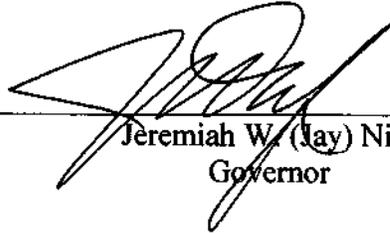
**WHEREAS, the Missouri National Guard can provide personnel, equipment, and expertise to relieve the distress and harm that has already occurred and is anticipated to be imposed upon the citizens and property situated along the Missouri River.**

**NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by the power vested in me by the Constitution and laws of the State of Missouri, including Chapter 44, RSMo, do hereby order and direct that the Adjutant General of the State of Missouri or his designee coordinate and supervise the State's efforts in preparing for and responding to flooding events occurring and threatened along the Missouri River and tributaries, and it is further ordered and directed that the Adjutant General or his designee call into active service such additional portions of the organized militia as he deems necessary to execute and complete this mission and employ such equipment as may be required, and provide such assistance as may be authorized and directed by the Governor of this State.**

**This Order shall remain in effect until terminated by subsequent Order.**



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 8<sup>th</sup> day of June, 2011.

  
\_\_\_\_\_  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
\_\_\_\_\_  
Robin Carnahan  
Secretary of State

**U**nder 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."

**E**ntirely 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.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f 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  
(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 June 13, 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) and (3).

*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.

*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 June 13, 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, amending sections (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, eliminates the requirement to display the state registration number, and eliminates the Class XI Transporter classification.*

**(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 commission or its designee initially and resubmitted [to the director] for review and approval [on an annual basis or] at least once every two (2) years or 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] commission or its designee.*

*[(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;

(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; and

(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—Transporters. An operation 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 June 13, 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 enti-*

*ties 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 (5), (8), (10), (12), and (13), and subsequent renumbering.

*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 any installations at buildings of public assembly or use such as schools, churches, recreational halls, tourist courts, hotels, hospitals, sanitariums, convalescent homes, nursing homes, rest homes, four (4)-unit apartments and larger or similar types of public buildings having institutional occupancies, for new construction, major renovations or additions to these installations and mobile home parks, shopping center areas, service stations, bulk plants, industrial plants, and other similar locations of public gathering[.], [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 following the installation of a cylinder exchange cabinet.**

*[(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.

[(15) 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 June 13, 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 (9), (11), (12), and (18), deleting sections (3), (4), and (6) through (8), (13), and (14) and creating new section (12) with subsequent renumbering.

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

[[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]](3) Containers of any size shall not be used for storage other than manufacturer's design and specifications; i.e., railcars, converted railcars, bulk delivery truck tanks both transport and bobtail can-

not 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]](4) 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]](5) All aboveground LPG storage containers shall be kept properly painted with a light reflective paint such as white or aluminum.

[[11]](6) 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) WC or more, and all dispensers shall be clearly marked **PROPANE, FLAMMABLE, NO SMOKING on two (2) sides in a conspicuous location of the dispenser housing, fencing, or a combination thereof.** All wording shall be in block-style letters with a minimum height of two inches (2") and a minimum width of one-fourth inch (1/4") on a contrasting background.

[[12]](7) 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)](8) 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)](9) 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)](10) 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)](11) 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.

(12) At a bulk storage facility that the owner declares out-of-service, the tank or tanks shall be empty, only contain residual pressure, and be capped or plugged as close as practical to the positive shut-off valve just outside the tank or tanks. Before placing the tank or plant back into operation, form 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 June 13, 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 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 June 13, 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) and deleting sections (2), (3), (5), (6), and (7) with subsequent renumbering.

*PURPOSE:* This amendment aligns Missouri's propane code for interior installations with the applicable national code referenced in section 323.020(2), RSMo.

(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 cooktops, installed in public buildings, such as schools, nursing

homes or hospitals, shall be equipped with one hundred per cent (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 June 13, 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 eliminating sections (3), (4), (5), and (7) with subsequent renumbering.

*PURPOSE:* This amendment aligns Missouri's propane code for outdoor installations with the applicable national code referenced in section 323.020(2), RSMo, 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 June 13, 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 regulated the standard for the storage and handling of liquefied petroleum gases at 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 June 13, 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 regulated the mobile home park fuel supply systems.

*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 June 13, 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 referenced in section 323.020(2), RSMo.

(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 June 13, 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 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 uncontrolled gas release, fire, or explosion requiring an emergency response; or

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

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

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

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

(A) Name of reporting person;

(B) Location of leak or incident;

(C) Time of incident;

(D) Fatalities and personal injuries;

(E) Phone number of reporting person;

(F) Status of incident regarding immediate hazard; and

(G) Other significant facts relevant to the incident.

(3) Following the initial telephone report, the person who made the telephone report or an authorized company representative shall submit a properly completed form 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, January 2011, is published by the Missouri Propane Gas Commission, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302 and is incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.

*AUTHORITY: section 323.025, RSMo Supp. 2010. Original rule filed June 13, 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 6—DEPARTMENT OF HIGHER EDUCATION Division 10—Commissioner of Higher Education Chapter 2—Student Financial Assistance Program**

### **PROPOSED RULE**

#### **6 CSR 10-2.200 Minority Teaching Scholarship Program**

*PURPOSE: This rule sets forth the policies of the Coordinating Board for Higher Education regarding student eligibility and application procedures for student financial assistance under the Minority Teaching Scholarship program.*

(1) Definitions.

(A) Academic year shall be from July 1 of any year through June 30 of the following year.

(B) Applicant means a student who has filed a complete and accurate application to receive a Minority Teaching Scholarship award as

prescribed by the Coordinating Board for Higher Education (CBHE) and who qualifies to receive such award under section 161.415, RSMo.

(C) Approved institution means any institution that offers a teacher education program approved by the Department of Elementary and Secondary Education or a Coordinating Board for Higher Education-approved Associate of Arts in Teaching program.

(D) Award year shall be from July 1 of any year through June 30 of the following year, excluding summer terms.

(E) CBHE means the Coordinating Board for Higher Education.

(F) Department means the Department of Higher Education created by section 173.005, RSMo.

(G) EFC means expected family contribution, the measure of how much the student and his family can be expected to contribute to the cost of the student's education for the year, as calculated annually by the United States Department of Education as a result of an official federal need analysis based on the student's federal need-based aid application form.

(H) Expenses mean any educational-related expenses including, but not limited to, tuition, fees, and room and board.

(I) Full-time student means an undergraduate student who is enrolled in at least twelve (12) semester hours, eight (8) quarter hours, or the equivalent in another measurement system, or a graduate student who is enrolled in at least nine (9) semester hours or the equivalent in another measurement system, but in either case not less than the respective number sufficient to secure the degree toward which the student is working in no more than the number of semesters, or their equivalent, normally required by the institution for the program in which the student is enrolled. Provided, however, that an otherwise eligible student having a disability as defined by Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213) who, because of his or her disability, is unable to satisfy the statutory minimum requirements of full-time status under Title IV student aid programs shall be considered by the approved institution to be a full-time student and shall be considered to be making satisfactory academic progress, as defined in subsection (1)(Q) of this rule, while carrying a minimum of six (6) credit hours or their equivalent at the approved institution.

(J) Gainful employment means any substantial gainful activity that exists in the national economy and is not limited to the recipient's original occupation.

(K) His, him, or he shall apply equally to the female as well as the male sex where applicable in this rule.

(L) Initial recipient means a student who qualifies under section 161.415, RSMo, has filed an accurate and complete application by the deadline established by the department for the Minority Teaching Scholarship program, and has not received a Minority Teaching Scholarship award in any prior academic year.

(M) Minority teaching shall mean the Minority Teaching Scholarship program set forth in sections 161.415-161.424, RSMo.

(N) Minority teaching award shall mean an amount of money paid by the state of Missouri to a qualified applicant under the Minority Teaching Scholarship program.

(O) Renewal recipient means a student who received a Minority Teaching Scholarship award, who meets the requirements set forth in 161.415, RSMo, and who has filed an accurate and complete application by the deadline established by the department for the Minority Teaching Scholarship program.

(P) Residency, for the purpose of this rule, shall be determined by reference to the standards set forth in the determination of student residency rule, 6 CSR 10-3.010.

(Q) Satisfactory academic progress shall be a cumulative grade point average (CGPA) of at least two and one-half (2.5) on a four-point (4.0) scale, or the equivalent on another scale, and, with the exception of grade point average, as otherwise determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965. The calculation of CGPA shall be

based on the approved institution's policies as applied to other students in similar circumstances.

(R) Standardized test shall mean an accepted standardized test of academic ability including, but not limited to, the SAT, ACT, or SCAT.

(S) Temporary total disability shall mean a disability resulting from an injury or illness that renders a recipient unable to be engaged in gainful employment for a period of less than twelve (12) months from the date of such injury or illness.

(T) Total and permanent disability shall mean disability resulting from an injury or illness that renders a recipient unable to be engaged in gainful employment or attend an educational institution for a period of at least twelve (12) months from the date of such injury or illness and that is expected to continue for a long or indefinite period of time or to result in death.

#### (2) Responsibilities of Institutions of Postsecondary Education.

(A) Only institutions who have entered into a participation agreement with the department may receive disbursements under the Minority Teaching Scholarship program.

(B) Participating institutions shall meet the following requirements:

1. Meet the requirements set forth in subsection 161.415.3, RSMo, and 6 CSR 10-2.140 Institutional Eligibility for Student Participation;

2. Provide non-state matching funds of one thousand dollars (\$1,000) per scholarship recipient to match one (1) dollar for every two (2) state dollars on terms no more restrictive than those established by the department with regard to the state award and notify the department of the maximum number of awards the institution will match;

3. Report annually to the department the number of scholarship recipients that will be matched. The department shall annually prescribe the time and method for filing this report;

4. Obtain the recipient's notarized signature on the promissory note and return the promissory note to the department prior to disbursement of any state scholarship funds; and

5. Annually report to the department the enrollment status of all scholarship recipients until they graduate or withdraw from the institution. The department shall annually prescribe the time and method for filing this report.

(C) Institutions should report to the department the name of any enrolled recipient who ceases study leading to teacher certification within thirty (30) days of making this determination.

#### (3) Basic Eligibility Policy.

(A) Initial or renewal recipients, at the time of application and through the period the award is received, must meet the requirements set forth in section 161.415, RSMo.

(B) Initial recipients must have a high school rank at or above the seventy-fifth percentile at the time of graduation or as calculated at the end of the student's sixth semester.

#### (4) Application and Evaluation Policy.

(A) The department shall annually prescribe the time and method for filing applications for financial assistance under the Minority Teaching Scholarship program. It shall make announcement of its action in these respects.

(B) Students shall apply annually for financial assistance under the Minority Teaching Scholarship program by completing and submitting the application prescribed by the department and by completing and submitting the federal need-based aid application form prescribed by the United States Department of Education.

(C) At the time of application, applicants must—

1. Indicate their first, second, and third school choices;

2. Commit to complete a teacher education program designed to qualify the applicant for a Missouri teaching certificate within five (5) years from the date of first receiving funds under the Minority

Teaching Scholarship program; and

3. Teach on a full-time basis for a period of five (5) years in a Missouri public elementary or secondary school after receiving a teaching certificate if the applicant is an undergraduate student. Graduate students must commit to teach math or science on a full-time basis for a period of five (5) years in a Missouri public elementary or secondary school after receiving a teaching certificate.

(D) The department will evaluate each student's application for a minority teaching award and rank selected recipients based on the following criteria:

1. Participation in school or community activities;

2. Demonstrated leadership abilities;

3. Demonstrated academic success, including high school grade point average, high school class rank, and standardized test score; and

4. Financial need, as established by the student's EFC, if appropriations are not sufficient to fund all selected recipients.

(E) Selected recipients will be matched in rank order with their first institutional choice until all openings at an institution are filled. If all openings are filled at the selected recipient's first institutional choice, the selected recipient will be matched at his second or third choice, respectively.

(F) Applicants will be notified of their eligibility status once recipients have been selected and awards have been determined. Notification of eligibility will also be sent to the student financial aid office at the approved institution where the student plans to enroll or has enrolled.

#### (5) Award Policy.

(A) Minority teaching awards shall be allotted for one (1) academic year.

(B) A renewal recipient may continue to receive a minority teaching award for a maximum of three (3) additional years, for a total of four (4) years, so long as the applicant meets the following criteria. Awards received as an undergraduate student are included in the four (4)-year total for graduate students.

1. Maintains satisfactory academic progress; and

2. Otherwise meets the criteria of the Minority Teaching Scholarship program.

(C) Initial and renewal recipients who meet the eligibility requirements set forth in section 161.415, RSMo, and this rule shall be eligible for a minority teaching award of three thousand dollars (\$3,000) per academic year, comprised of a two thousand dollar (\$2,000)-state award that will convert to a loan if the recipient fails to meet the program's obligations, and a one thousand dollar (\$1,000)-institutional award.

(D) A recipient who has been denied a minority teaching award for lack of satisfactory academic progress may not receive another minority teaching award until the enrollment period after the applicable standard has once again been met.

(E) Minority teaching awards will be made for use during the normal academic year, but no funds for minority teaching awards will be granted for use for summer school.

(F) No minority teaching awards will be made retroactive to a previous academic year. A minority teaching award will be made retroactive to a previous semester only upon the sole discretion of the department.

(G) Minority teaching awards will only be made after certification of full-time attendance of the student by the institution and receipt of the signed and notarized promissory note by the department. For a student eligible as part of a consortium agreement, the student must be considered to be enrolled full-time for purposes of federal student aid.

(H) Only one-half (1/2) of the annual minority teaching award will be issued in a semester of that award year.

(I) The applicant's award will be sent to the approved institution. The institution shall retain the portion of the award that the student owes for expenses and promptly give the applicant any remaining

funds.

(J) An applicant's failure to provide required information by the established deadlines may result in loss of the minority teaching award.

(K) The CBHE has the discretion to withhold payments of any minority teaching awards after initiating an inquiry into the eligibility of a recipient or into the approved status of an institution.

(L) A student may transfer from one (1) approved institution to another without losing eligibility for assistance under the Minority Teaching Scholarship program, as long as the institution to which the student is transferring is able to match the student's state award. The student must notify the department immediately of the transfer.

#### (6) Scholarship Forgiveness and Deferment Policy.

(A) For each year, up to five (5) years, the recipient teaches in a Missouri public elementary or secondary school, one-fifth (1/5) of the amount of the state scholarship received shall be applied against the total amount of the state scholarship and shall not be subject to repayment.

(B) The employer shall annually provide certification to the department the recipient holds a qualifying teaching position.

(C) Recipients shall defer repayment if their qualified employment is interrupted for one (1) of the following reasons:

1. Enrollment in full-time graduate study as certified at least annually by the institution in which the recipient is enrolled;

2. Request and receipt of medical leave as certified by the recipient's employer for a medical need certified by the recipient's physician;

3. Service in any branch of the armed forces of the United States;

4. Teaching in areas defined as critical need by the state Board of Education; or

5. A temporary total disability resulting from an injury or illness that renders the recipient unable to teach in any subject area for which he is certified. The recipient's physician must certify the nature of the disability, the date the disability began, and the expected duration of the recovery period, not to exceed twelve (12) months.

(D) The deferment of repayment shall begin on the date the recipient ceases to teach. The recipient must notify the department at the beginning and end of the interruption in employment and provide any requested supporting documentation. The recipient must also return to a qualified teaching position following the interruption.

(E) Recipients must promptly report to the department any change of mailing address.

#### (7) Repayment Policy.

(A) Recipients must notify the department within thirty (30) days of a change in enrollment status or employment that would trigger repayment.

(B) Recipients must promptly report to the department any change of mailing address.

(C) The scholarship shall convert to a loan and the recipient shall repay the scholarship funds received from the state with interest at a rate of nine and one-half percent (9.5%) charged on the unpaid balance of the amount received if the recipient—

1. Ceases study leading to teacher certification for any reason including, but not limited to, the following. Interest shall accrue from the date the recipient ceased study leading to teacher certification until the outstanding balance of principal and interest has been paid in full.

A. Change of career goal as evidenced by the nature of the postsecondary courses selected;

B. Withdrawal from approved postsecondary institutions;

C. Dismissal, suspension, or expulsion from a participating postsecondary institution for any reason; or

D. Less than full-time enrollment in a program leading to certification to teach in a Missouri public elementary or secondary school, except less than full-time enrollment during summer terms

shall not trigger repayment;

2. Fails to receive a teaching certificate within six (6) months of graduation from an approved institution. Interest shall accrue from the date of graduation until the outstanding balance of principal and interest has been paid in full;

3. Fails to be hired for or accept a full-time teaching position in a Missouri public elementary or secondary school within ten (10) months of receiving certification to teach in such a school. Interest shall accrue from the date teacher certification was issued until the outstanding balance of principal and interest has been paid in full; or

4. Fails to teach in a Missouri public elementary or secondary school on a full-time basis for a period of five (5) consecutive years after receipt of a degree, except as provided in subsection (6)(C) of this rule. Interest shall accrue from the date the recipient ceases to teach until the outstanding balance of principal and interest has been paid in full.

(D) The department shall mail a repayment schedule to the recipient.

1. The repayment schedule shall be based on a ten (10)-year repayment plan.

2. The payment amount will vary depending on the total amount received plus accrued interest. Under no circumstances shall the minimum monthly payment be less than fifty dollars (\$50) or the minimum annual payment be less than six hundred dollars (\$600).

3. The recipient shall make the first payment no later than the last day of the month in which the repayment schedule is dated.

(E) Payments shall be applied first to accrued interest with any remaining amount applied to principal.

(F) Recipients shall not be subject to penalty for early repayment.

(G) Recipients may defer principal and interest payments for a period approved by the department for the following reasons:

1. Enrollment in full-time study as certified at least annually by the institution in which the recipient is enrolled. The deferment shall be initiated on the date the recipient begins full-time enrollment;

2. Medical need as certified by the recipient's physician;

3. Service in any branch of the armed forces of the United States; or

4. A temporary total disability. The recipient's physician must certify the nature of the disability, the date the disability began, and the expected duration of the recovery period.

(H) The recipients must notify the department at the beginning and end of the deferment period and submit to the department any requested supporting documentation.

(I) Interest will not accrue during a deferment period.

(J) Payments made during a deferment period will be applied first to any interest accrued prior to the deferment period and then to principal.

(K) A recipient's account will be in a default status when the recipient has failed to make three (3) consecutive, scheduled payments.

1. Upon default, principal and interest are due in full within one (1) year of default.

2. The department will notify the recipient of the default status by certified mail sent to his last known mailing address.

3. The recipient shall have thirty (30) days from the date of the certified notice to make satisfactory repayment arrangements.

(L) A recipient may remove his account from default status by making three (3) consecutive, on-time payments that are at least the minimum amount provided on the repayment schedule.

(M) All loans in repayment, deferment, or default status will be monitored. All available legal remedies may be pursued to ensure full repayment of loans.

(N) In the event a recipient becomes totally and permanently disabled as certified by a physician, the requirements of the recipient to make any further payment of principal and interest will be cancelled immediately upon approval of the request for cancellation. The recipient must apply to the department for loan cancellation and provide any requested supporting documentation.

(8) Information Sharing Policy. All information on an individual's minority teaching application will be shared with the financial aid office of the institution to which the individual has applied, or is attending, to permit verification of data submitted. Information may be shared with federal financial aid offices if necessary to verify data furnished by the state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. sections 552, 552a.

*AUTHORITY:* section 161.415, RSMo Supp. 2010. Original rule filed June 15, 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 Department of Higher Education, Financial Assistance, Outreach and Proprietary Certification, Kelli Reed, Student Assistance Associate, PO Box 1469, Jefferson City, MO 65102-1469. 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of  
Commission**

**PROPOSED AMENDMENT**

**20 CSR 2245-1.010 General Organization.** The commission is proposing to amend section (9).

*PURPOSE:* This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice (USPAP)* that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.

*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.

(9) For purposes of this section, the *Uniform Standards of Professional Appraisal Practice (USPAP)*, [2010] 2012 edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments to USPAP.

*AUTHORITY:* section 339.507, RSMo Supp. [2008] 2010 and section 339.509, RSMo 2000. This rule originally filed as 4 CSR 245-1.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 15, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED AMENDMENT**

**20 CSR 2245-3.010 Applications for Certification and Licensure.** The commission is proposing to amend subsection (5)(B).

*PURPOSE:* This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice (USPAP)* that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.

(5) Prerequisite for Certification.

(B) State-Certified Residential Appraiser.

1. The prerequisite for certification as a state-certified residential appraiser shall be two thousand five hundred (2,500) hours of appraisal experience obtained continuously over a period of not less than twenty-four (24) months under the supervision of a state-certified real estate appraiser. The applicant must have at least fifty percent (50%) of the required experience hours in the state of Missouri. Hours may be treated as cumulative in order to achieve the necessary two thousand five hundred (2,500) hours of appraisal experience, and there is no limitation on the number of hours which may be awarded in any year. Each applicant for certification shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of appraisal reports which the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any function of the real estate appraisal report. Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be *Uniform Standards of Professional Appraisal Practice (USPAP)* compliant. The USPAP, [2010] 2012 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. Acceptable appraisal experience as defined by the Appraiser Qualifications Board (AQB) includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- A. Fee and staff appraisal;
- B. *Ad valorem* tax appraisal;
- C. Technical review appraisal;
- D. Appraisal analysis;
- E. Real estate consulting;

- F. Highest and best use analysis;
- G. Feasibility analysis/study; and
- H. Condemnation appraisal.

*AUTHORITY:* section 339.509, RSMo 2000 and sections 339.515 and 339.517, RSMo Supp. [2009] 2010. This rule originally filed as 4 CSR 245-3.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 15, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**PROPOSED AMENDMENT**

**20 CSR 2245-4.025 Inactive Status.** The board is proposing to amend section (2).

*PURPOSE:* This amendment changes the amount of continuing education hours that are required for a licensee to move from inactive to active status. This is necessary so that Missouri appraisers will be in compliance with the minimum licensure requirements set forth by the Appraiser Qualifications Board.

(2) If an individual with a license on inactive status wishes to return a license or certificate to active status prior to the renewal time, the individual shall complete a renewal form, pay the reactivation fee and shall provide evidence of completion of *[at least twenty-eight (28) hours of continuing education within the preceding two (2) years] all continuing education hours that would have been required during the period of inactivity if the license had been active.*

*AUTHORITY:* section 339.525.5, RSMo Supp. [2007 and section 620.150, RSMo 2000] 2010. Original rule filed Nov. 15, 2007, effective May 30, 2008. Amended: Filed June 15, 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 cost private entities approximately one thousand one hundred forty-two dollars and twenty cents to one thousand eight hundred two dollars and twenty cents (\$1,142.20 to \$1,802.20) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with

*inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.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.

## PRIVATE FISCAL NOTE

**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2245 - Real Estate Appraisers****Chapter 4 - Certificates and Licenses****Proposed Rule - 20 CSR 2245.4.025 Inactive Status**

Prepared April 18, 2011 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the amendment by affected entities:</b>
5	Inactive licensees seeking renewal of their license (Continuing Education Course @ \$228-\$360)	\$1,140-\$1,800
5	Inactive licensees seeking renewal of their license (Postage @ \$0.44)	\$2.20
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$1,142.20 to \$1,802.20</b>

**III. WORKSHEET**

See Table Above

**IV. ASSUMPTION**

1. The figures reported above are based on FY09 actuals.
2. This fiscal note accounts for the cost per course, per inactive licensee wishing to renew. It should be noted that there is not a cap on the number of years a licensee may maintain an inactive license.
3. Licensees are currently required to obtain continuing education, therefore, the costs listed above are not new costs to the licensee.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2245-6.015 Examination and Education Requirements.**  
The board is proposing to amend section (2) and subparagraphs (2)(A)4.J. and (2)(B)4.J.

*PURPOSE: This amendment allows for applicants to obtain elective class hours via on-line courses.*

(2) Qualifying Education. **The Missouri Real Estate Appraisers Commission does not accept on-line qualifying education with the exception of the courses listed in paragraph (2)(A)2. and the “Appraisal Subject Matter Electives” as noted below.**

(A) State-Certified General Real Estate Appraiser.

1. Applicants for the certified general certification shall hold a bachelor’s degree or higher from a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of the following paragraph (2)(A)2. are satisfied.

2. In lieu of the bachelor’s degree, an applicant for the certified general certification shall successfully pass thirty (30) semester credit hours, or its equivalent, including each of the following collegiate subject matter courses from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English *[C]*composition;
- B. Micro *[E]*economics;
- C. Macro *[E]*economics;
- D. Finance;
- E. Algebra, *[G]*geometry, or higher *[M]*mathematics;
- F. Statistics;
- G. Introduction to computers, word processing, and spreadsheets;
- H. Business *[L]*law or *[R]*real *[E]*state *[L]*law; and
- I. Two (2) elective courses in accounting, geography, ag-economics, business management, or real estate.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools<sup>[/]</sup> accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of three hundred (300) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

- A. Basic Appraisal Principles 30 Hours
- B. Basic Appraisal Procedures 30 Hours
- C. The *15-Hour National Uniform Standards of Professional Appraisal Practice (USPAP)* Course or its Equivalent 15 Hours
- D. General Appraiser Market Analysis and Highest and Best Use 30 Hours
- E. Statistics, Modeling, and Finance 15 Hours
- F. General Appraiser Sales Comparison Approach 30 Hours
- G. General Appraiser Site Valuation and Cost Approach 30 Hours
- H. General Appraiser Income Approach 60 Hours
- I. General Appraiser Report Writing and Case Studies 30 Hours

- J. Appraisal Subject Matter Electives 30 Hours  
(Electives may include hours over minimum shown above in other modules **and may be taken on-line subject to 20 CSR 2245-7.020(3)**)  
Total 300 Hours

5. Applicants shall demonstrate that their education includes the core courses listed in these criteria, with particular emphasis on non-residential properties.

(B) State-Certified Residential Real Estate Appraiser.

1. Applicants for the certified residential certificate shall hold an associate degree or higher from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of paragraph (2)(B)2. of this rule are satisfied.

2. In lieu of the *[A]*associate degree, an applicant for the certified residential certification shall successfully pass twenty-one (21) semester credit hours, or its equivalent, of college courses, including each of the following subject matter courses from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English *[C]*composition;
- B. Principles of *[E]*economics (*[M]*micro or *[M]*macro);
- C. Finance;
- D. Algebra, *[G]*geometry, or higher *[M]*mathematics;
- E. Statistics;
- F. Introduction to computers, word processing, and spreadsheets; and
- G. Business *[L]*law or *[R]*real *[E]*state *[L]*law.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam<sup>[/]</sup> showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of two hundred (200) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

- A. Basic Appraisal Principles 30 Hours
- B. Basic Appraisal Procedures 30 Hours
- C. The *15-Hour National USPAP Course* 15 Hours
- D. Residential Market Analysis and Highest and Best Use 15 Hours
- E. Residential Appraiser Site Valuation and Cost Approach 15 Hours
- F. Residential Sales Comparison and Income Approaches 30 Hours
- G. Residential Report Writing and Case Studies 15 Hours
- H. Statistics, Modeling, and Finance 15 Hours
- I. Advanced Residential Applications and Case Studies 15 Hours
- J. Appraisal Subject Matter Electives 20 Hours  
(Electives may include hours over minimum shown above in other modules **and may be taken on-line subject to 20 CSR 2245-7.020(3)**)  
Total 200 Hours

*AUTHORITY: sections 339.509, RSMo 2000 and 339.517, RSMo Supp. [2006] 2010. Original rule filed Nov. 21, 2006, effective July 30, 2007. Amended: Filed June 15, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2245-6.040 Case Study Courses.** The commission is proposing to amend subsection (1)(B).

*PURPOSE:* This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice (USPAP)* that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.

(1) General.

(B) Case study courses shall be at least thirty (30) hours of instruction. For each case study course, experience credit hours may not exceed three (3) times the education credit granted, and in no event shall the experience credit granted for a single course exceed ninety (90) hours. An applicant for licensure or certification may receive thirty (30) hours of pre-licensure education credit upon passage of an examination approved by the Appraiser Qualifications Board (AQB) course approval program or by an alternate method established by the AQB. A licensee may receive twenty-eight (28) hours of continuing education credit for a case study course as allowed pursuant to 20 CSR 2245-8.010. An applicant for licensure or certification will receive the experience credit upon completing one (1) or more *Uniform Standards of Professional Appraisal Practice (USPAP)* compliant appraisal reports for the course. The USPAP, [2010] 2012 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. The amount of education and experience credit available from a case study course will be determined at the time it is approved by the AQB course approval program or by an alternate method established by the AQB.

*AUTHORITY:* sections 339.509(3) and (4), RSMo 2000. Original rule filed Nov. 21, 2006, effective July 30, 2007. Amended: Filed March 31, 2008, effective Sept. 30, 2008. Amended: Filed Aug. 27, 2009, effective Feb. 28, 2010. Amended: Filed June 15, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at

[reacom@pr.mo.gov](mailto:reacom@pr.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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.010 Requirements.** The commission is proposing to amend section (11).

*PURPOSE:* This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice (USPAP)* that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.

(11) All licensees of the state of Missouri shall complete, for continuing education credit, the seven (7)-hour national *Uniform Standards of Professional Appraisal Practice (USPAP)* update course or its equivalent during each renewal cycle. The USPAP, [2010] 2012 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP.

*AUTHORITY:* sections 339.509 and 339.530, RSMo 2000. This rule originally filed as 4 CSR 245-8.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 15, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.030 Instructor Approval.** The commission is proposing to amend section (4) and delete section (5).

*PURPOSE:* This amendment further clarifies instructor requirements.

(4) All instructors of the national *Uniform Standards of Professional Appraisal Practice* (USPAP) course, the national USPAP update course, or their equivalents shall be approved through the instructor certification program of the Appraisal Qualifications Board (AQB) or by an alternate method established by the AQB. The USPAP, [2010/2012 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. **At least one (1) instructor of the national USPAP course and the national USPAP update course shall be a state-certified appraiser and shall be approved through the AQB instructor certification program.**

*[(5) Education credit shall be given for courses on the USPAP offered by colleges or universities accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, provided that the college or university utilizes the national USPAP course, the national USPAP update course, or their equivalents, and at least one (1) of the course instructors, who is a state-certified appraiser, shall be approved through the AQB instructor certification program.]*

*AUTHORITY: sections 339.509 and 339.530, RSMo 2000. This rule originally filed as 4 CSR 245-8.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 15, 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 cost private entities approximately two thousand one hundred eighty dollars (\$2,180) annually and four thousand eight hundred ninety-five dollars (\$4,895) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.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.*

## PRIVATE ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2245 - Real Estate Appraisers

Chapter 8 - Continuing Education

Proposed Amendment - 20 CSR 2150-8.030 Instructor Approval

Prepared April 11, 2011 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

## Annual Costs

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
4	Instructor Applicants for AQB Certification (AQB Instructor Certification Course @ \$495)	\$1,980
4	Instructor Applicants for AQB Certification (AQB Instructor Certification Course Application Fee @ \$50)	\$200
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$2,180</b>

## Biennial Costs

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
11	AQB Certification Instructors (AQB Instructor Recertification Course @ \$295)	\$3,245
11	AQB Certification Instructors (AQB Instructor Recertification Course Registration Fee @ \$150)	\$1,650
<b>Estimated Biennial Cost of Compliance for the Life of the Rule</b>		<b>\$4,895</b>

## III. WORKSHEET

See table above.

## IV. ASSUMPTION

1. The above figures are based on information received from the Appraisal Foundation.
2. Certified appraisers who wish to become Appraisal Qualifications Board (AQB) Certified must complete the AQB Instructor Certification Course.
3. Certified appraisers who are Appraisal Qualifications Board (AQB) Certified must recertify every two years by taking an online Instructor Recertification Course.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 5—Inspections

### ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

#### 2 CSR 80-5.010 Inspection Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2011 (36 MoReg 980). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

### ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 414.142, RSMo 2000, the director withdraws a proposed amendment as follows:

#### 2 CSR 90-30.080 Measuring Devices is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 707-708). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The Department of Agriculture received eight (8) comments in opposition to and one (1) comment in support of the proposed amendment. The comments encouraged the department to pursue development of a national standard to address misfueling issues.

RESPONSE: As a result, the director is withdrawing this rulemaking.

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

### ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 414.036, RSMo Supp. 2010, the director adopts a rule as follows:

#### 2 CSR 90-30.086 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2011 (36 MoReg 709-710). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Agriculture received one (1) comment on this proposed rule.

COMMENT: Carol R. Eighmey, Missouri Petroleum Storage Tank Insurance Fund, suggested wording changes in subsection (1)(B) from "in operation" to "in use" and paragraph (3)(A)1. from "on subsection (B)" to "in subsection (B)" to be consistent with terms in existing regulations.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with this comment and wording changes will be made to subsection (1)(B) and paragraph (3)(A)1.

#### 2 CSR 90-30.086 Financial Responsibility for Aboveground Storage Tank Owners and Operators

(1) Applicability.

(B) Owners and operators of aboveground storage tanks which are in use on or after January 1, 2011, are subject to this rule.

(3) Allowable Mechanisms.

(A) An owner or operator may use any one (1) or a combination of the following mechanisms to meet the requirements of this rule, provided that the total scope and amount meet the requirements of this rule:

1. Self-insurance, subject to the requirements in subsection (B) of this section;

2. The Missouri Petroleum Storage Tank Insurance Fund;

3. An insurance policy issued by a commercial insurance company or a risk retention group, subject to the requirements in subsection (C) of this section.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 200—Insurance Solvency and Company  
Regulation**  
**Chapter 1—Financial Solvency and Accounting  
Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2010, the director amends a rule as follows:

**20 CSR 200-1.005** Materials Incorporated by Reference  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2011 (36 MoReg 931). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 21, 2011, and the public comment period ended April 22, 2011. At the public hearing, the Division of Insurance Company Regulation explained the proposed amendment. The director received no public comments.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 200—Insurance Solvency and Company  
Regulation**  
**Chapter 1—Financial Solvency and Accounting  
Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2010, the director amends a rule as follows:

**20 CSR 200-1.030** Financial Statement and Electronic Filing  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2011 (36 MoReg 931-932). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 21, 2011, and the public comment period ended April 22, 2011. At the public hearing, the Division of Insurance Company Regulation explained the proposed amendment. The director received no public comments.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 200—Insurance Solvency and Company  
Regulation**  
**Chapter 1—Financial Solvency and Accounting  
Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2010, the director amends a rule as follows:

**20 CSR 200-1.160** Valuation of Life Insurance Policies  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2011 (36 MoReg 932-933). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 21, 2011, and the public comment period ended April 22, 2011. At the public hearing, the Division of Insurance Company Regulation explained the proposed amendment. Matthew Fillo, on behalf of RGA Reinsurance Company, testified in support of the proposed amendment.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 400—Life, Annuities and Health**  
**Chapter 1—Life Insurance and Annuity Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2010, the director amends a rule as follows:

**20 CSR 400-1.170** Recognition of Preferred Mortality Tables in  
Determining Minimum Reserve Liabilities and Nonforfeiture  
Benefits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2011 (36 MoReg 933-934). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 21, 2011, and the public comment period ended April 22, 2011. At the public hearing, the Division of Insurance Company Regulation explained the proposed amendment. Matthew Fillo, on behalf of RGA Reinsurance Company, testified in support of the proposed amendment.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 400—Life, Annuities and Health**  
**Chapter 8—Forms, Procedures, and Fees**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2010, the director amends a rule as follows:

**20 CSR 400-8.200** Procedures for the Filing of All Policy Forms and Certain Rates for Life or Health Policies, Contracts, or Related Forms is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2011 (36 MoReg 934-935). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 21, 2011, and the public comment period ended April 22, 2011. At the public hearing, the Division of Insurance Market Regulation explained the proposed amendment. The director received no public comments.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2220—State Board of Pharmacy  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Pharmacy under section 338.010, RSMo Supp. 2010 and sections 338.140.1, 338.280, and 338.350, RSMo 2000, the Board of Pharmacy adopts a rule as follows:

**20 CSR 2220-2.005** Definitions is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1070). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.