

Figure: 16 TAC §9.15(k)

Table 5. LP-Gas Penalty Worksheet

	LP-Gas Rule/Statute	General Description	Typical Minimum Penalty Amount/Range	Penalty Tally
1	Tex. Nat. Res. Code, Chapter 113	Any violation of Chapter 113, Texas Natural Resources Code	\$1,000-2,500	\$
2	16 TAC §9.4(a)	Retention of records	\$500	\$
3	16 TAC §9.4d	Licensee and registrant obligations	\$2,500	\$
4	16 TAC §9.7(a)	Performing LP-gas activities without proper certification and/or license	\$500	\$
5	16 TAC §9.7d	Copies of licenses and/or certifications	\$100	\$
6	16 TAC §9.7g	Company representative and/or branch manager	\$500	\$
7	16 TAC §9.7(h)	License renewals lapse, 1-2 months	\$500	\$
8	16 TAC §9.7(h)	License renewals lapse, 3-4 months	\$750	\$
9	16 TAC §9.7(h)	License renewals lapse, 5-6 months	\$1,000	\$
10	16 TAC §9.7(h)	License renewals lapse, more than 6 months	\$1,000-2,500	\$
11	16 TAC §9.9	Requirements for certificate renewal	\$250	\$
12	16 TAC §9.11	Employee transfers	\$100	\$
13	16 TAC §9.12	Trainees	\$500-\$1,000	\$
14	16 TAC §9.13	General installers and repairman exception	\$500-1,000	\$
15	16 TAC §9.17	Designation and responsibilities of company reps	\$500	\$
16	16 TAC §9.21	Franchise tax certification and assumed name certificates	\$500	\$
17	16 TAC §9.22	Changes in ownership, form or name of dealership	\$500	\$
18	16 TAC §9.23	Limitation/avoidance of licensee liability	\$2,500	\$
19	16 TAC §9.26	Insurance and self-insurance requirements	\$1,000	\$
20	16 TAC §9.28	Reasonable safety provisions	\$2,500	\$
21	16 TAC §9.32	Consumer safety notification	\$500	\$
22	16 TAC §9.35	Written procedure for leak check	\$100-500	\$
23	16 TAC §9.36(a)	Report of an LP-gas incident/accident	\$1,000	\$
24	16 TAC §9.36(c)	Completed Form 20	\$100	\$
25	16 TAC §9.36(e)	Category P must notify supplier of incident	\$250	\$
26	16 TAC §9.41	Testing LP-gas systems in school facilities	\$1,000	\$
27	16 TAC §9.101(b)	Filings for stationary installations Form 501 (< 10,000 gal AWC), 1-5 occurrences	\$100	\$
28	16 TAC §9.101(b)	Filings for stationary installations Form 501 (< 10,000 gal AWC), 6-10 occurrences	\$200	\$
29	16 TAC §9.101(b)	Filings for stationary installations Form 501 (< 10,000 gal AWC), >10 occurrences	\$500	\$

	LP-Gas Rule/Statute	General Description	Typical Minimum Penalty Amount/Range	Penalty Tally
30	16 TAC §9.101(c)	Filings for stationary installations Form 500 (>= 10,000 gal AWC)	\$1,000	\$
31	16 TAC §9.109	Physical inspection of stationary installation	\$250-1,000	\$
32	16 TAC §9.113	Maintenance	\$250-1,000	\$
33	16 TAC §9.114(a)	Odorization in accordance with NFPA 58	\$500-2,500	\$
34	16 TAC §9.126(a)-(b)	All appurtenances and equipment shall be listed	\$1,000	\$
35	16 TAC §9.126(c)	Licensee or operator of equipment not listed but approved for use by manufacturer shall maintain documentation	\$250	\$
36	16 TAC §9.129	Manufacturer's nameplate and markings	\$1,000	\$
37	16 TAC §9.131	200 PSIG working pressure stationary vessels	\$500-1,000	\$
38	16 TAC §9.132	Sales to unlicensed individuals	\$1,000	\$
39	16 TAC §9.134	Connecting container to piping	\$250-1,000	\$
40	16 TAC §9.135	Unsafe or unapproved containers, cylinders or piping	\$500-2,500	\$
41	16 TAC §9.136	Filling DOT containers	\$500-2,500	\$
42	16 TAC §9.137	Inspection of containers at each filling	\$500	\$
43	16 TAC §9.140	Uniform protection standards	\$100-750	\$
44	16 TAC §9.141	Uniform safety requirements	\$100-750	\$
45	16 TAC §9.142	LP-gas storage and installation requirements	\$100-500	\$
46	16 TAC §9.143	Bulkhead, internal valve, ball valve and ESV protection	\$500-2,500	\$
47	16 TAC §9.201	Applicability (includes 49 CFR 100-185)	\$500-2,500	\$
48	16 TAC §9.202	Registration and transfer of LP-gas transports	\$500-1,500	\$
49	16 TAC §9.203	School bus, public transportation, mass and special transit	\$100-500	\$
50	16 TAC §9.204	Maintenance of vehicles	\$250-1,000	\$
51	16 TAC §9.206	Vehicle identification labels	\$50-100	\$
52	16 TAC §9.208	Testing requirements	\$250-1,000	\$
53	16 TAC §9.211	Markings	\$250	\$
54	16 TAC §9.212	Manifests	\$250	\$
55	16 TAC §9.301	NFPA 54 adopted by reference unless otherwise listed	\$250-2,500	\$
56	16 TAC §9.301	NFPA 54 Section 7.1.2.1 underground piping cover requirements	\$250-750	\$
57	16 TAC §9.301	NFPA 54 Section 7.1.7.1 connection of plastic piping	\$500-1,000	\$
58	16 TAC §9.301	NFPA 54 Section 7.1.7.3 tracer wire	\$100-500	\$
59	16 TAC §9.301	NFPA 54 Section 7.7.2.1 cap all outlets	\$100-500	\$
60	16 TAC §9.301	NFPA 54 Section 8.2.3 test for leakage	\$1,500	\$
61	16 TAC §9.301	NFPA 54 Section 9.1.1.2 appliance installation	\$500-1,000	\$
62	16 TAC §9.301	NFPA 54 Section 9.6.7 sediment trap	\$100-500	\$

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63	16 TAC §9.301	NFPA 54 Section 12.2 venting of appliances	\$500-1,000	\$
64	16 TAC §9.306	Room heaters in public buildings	\$250-1,000	\$
65	16 TAC §9.307	Identification of converted appliances	\$100-250	\$
66	16 TAC §9.308	Identification of piping installation	\$100-250	\$
67	16 TAC §9.311	Special exceptions for appliance connectors and piping support on agricultural and industrial structures	\$100-500	\$
68	16 TAC §9.312	Certification requirements for joining methods	\$500	\$
69	16 TAC §9.401	NFPA 58 adopted by reference unless otherwise listed	\$250-2,500	\$
70	16 TAC §9.401	NFPA 58 Section 6.3.1 (distance from container), first occurrence	\$500	\$
71	16 TAC §9.401	NFPA 58 Section 6.3.1 (distance from container), 2nd occurrence	\$750	\$
72	16 TAC §9.401	NFPA 58 Section 6.3.1 (distance from container), 3 or more occurrences	\$1,000	\$
73	16 TAC §9.401	NFPA 58 Section 5.2.2.2 and 11.3.1.5 (requalification of cylinders), 1-10 cylinders	\$500	\$
74	16 TAC §9.401	NFPA 58 Section 5.2.2.2 and 11.3.1.5 (requalification of cylinders), 11-20 cylinders	\$750	\$
75	16 TAC §9.401	NFPA 58 Section 5.2.2.2 and 11.3.1.5 (requalification of cylinders), >20 cylinders	\$1,000	\$
76	16 TAC §9.401	NFPA 58 Section 9.4.8 (chock blocks)	\$100-250	\$
77	16 TAC §9.403	Sections in NFPA 58 not adopted by reference or adopted with change or additional requirements	\$250-2,500	\$
78	Subtotal of typical penalty amounts from Table 1 (lines 1-77, inclusive)			\$
79	Reduction for settlement before hearing: up to 50% of line 78 amt.		_____%	\$
80	Subtotal: amount shown on line 78 less applicable settlement reduction on line 79			\$
Penalty enhancement amounts for threatened or actual safety hazard from Table 2				
81	Death or personal injury		\$5,000 to \$20,000	\$
82	Taking facility out of service		\$1,000 to \$5,000	\$
83	Gas ignition or release requiring emergency response		\$1,000 to \$15,000	\$
84	Damage to LP-gas installation or vehicle		\$1,000 to \$5,000	\$
85	Property damage exceeding \$5,000		\$1,000 to \$15,000	\$
86	Rerouting of traffic or evacuation of premises		\$1,000 to \$5,000	\$
Penalty enhancement for severity of violation from Table 2				
87	Time out of compliance		\$100 to \$2,000/ mo.	\$
88	Subtotal: amount shown on line 81 plus all amounts on lines 81 through 87, inclusive			\$
Penalty enhancements for culpability of person charged from Table 2				
89	Reckless conduct of person charged		Up to double line X	\$

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90		Intentional conduct of person charged	Up to triple line X	\$
Penalty enhancements for number of prior violations within past seven years from Table 3				
91		One	\$1,000	\$
92		Two	\$2,000	\$
93		Three	\$3,000	\$
94		Four	\$4,000	\$
95		Five or more	\$5,000	\$
Penalty enhancements for amount of penalties within past seven years from Table 4				
96		Less than \$10,000	\$1,000	\$
97		Between \$10,000 and \$25,000	\$2,500	\$
98		Between \$25,000 and \$50,000	\$5,000	\$
99		Between \$50,000 and \$100,000	\$10,000	\$
100		Over \$100,000	10% of total amount	\$
101	Subtotal: Line 88 amt. plus amts. on line 89 and/or 90 plus the amt. shown on any line from 91 through 100, inclusive			\$
102	Reduction for demonstrated good faith of person charged			\$
103	TOTAL PENALTY AMOUNT: amount on line 101 less any amount shown on line 102			\$