

# **Petroleum Equipment Contractor – License and Certification Requirements for the State of Georgia**

## **A. Declaration of Purpose**

This chapter is enacted for the purpose of safeguarding the general public against faulty, inadequate, inefficient, or unsafe petroleum equipment contracting. The practice of petroleum equipment contracting is declared to be a business/profession affecting the public interest; and this chapter shall be liberally construed so as to accomplish the purposes stated in this Code section.

## **B. Definitions**

As used in this chapter, the term:

- 1. "Board"** means the State Construction Industry Licensing Board.
- 2. "Certificate"** means a valid and current document issued by a division of the board, which document shall give the named individual to whom it is issued authority to engage in the activity prescribed thereon.
- 3. "Certified Petroleum Equipment Contractor Qualifying Agent"** means any individual who is employed by a licensed Petroleum Equipment Contractor to supervise the construction, installation, alteration, repair, maintenance, or testing of petroleum equipment systems and who holds a current Petroleum Equipment Contractor Qualifying Agent Certificate.
- 5. "License"** means a valid and current registration issued by a division of the board, which registration shall give the named individual, sole proprietorship, partnership, limited liability company, or corporation to whom it is issued, authority to engage in the activity prescribed thereon.
- 6. "Petroleum Equipment Contracting"** means the undertaking by a Petroleum Equipment Contractor to construct, install, alter, repair, maintain or test any petroleum equipment system. The above shall include the removal and/or decommissioning of underground or aboveground petroleum storage tanks and related equipment.

7. **“Petroleum Equipment Contractor”** means an individual, a sole proprietorship, partnership, limited liability company or corporation which is engaged in petroleum equipment contracting under express or implied contract or which bids for, offers to perform, purports to have the capacity to perform, or does perform petroleum equipment contracting under express or implied contract.

8. **“Petroleum Equipment System”** means: Any underground or aboveground, atmospheric, shop-fabricated tank, associated piping, and equipment intended to store and/or dispense gasoline, diesel, or other related petroleum products.

### C. **Licenses and Certificates Required -**

#### **Powers and duties of the Petroleum Equipment Contracting Division:**

1. With respect to applicants for a license to engage in or licensees engaging in the business of petroleum equipment contracting, the Petroleum Equipment Contracting Division (hereafter referred to as the Division) shall register and license or grant a certificate and issue renewal licenses and renewal certificates biennially to all business entities/persons meeting the qualifications for a license or certificate.

2. The following licenses or certificates shall be issued by the Division:

**a. Petroleum Equipment Contractor License:** This license shall be required of any business entity (individual, a sole proprietorship, partnership, limited liability company or corporation) that undertakes, that offers to undertake, or represents itself as being able to undertake, the installation, repair, removal/decommissioning of any petroleum equipment system. This shall include underground or aboveground petroleum storage tanks and related equipment. This license shall also be required of those business entities that only perform service/repair of petroleum equipment systems. A petroleum equipment contractor that performs sales only of petroleum equipment (no service or construction) does not have to be licensed.

**b. Petroleum Equipment Contractor Qualifying Agent Certificate -** This certificate is for individuals who supervise petroleum equipment system installations, major retrofits/alterations, and UST/AST removals/de-

commissionings. This certificate is also for individuals who supervise the service, repair, maintenance and/or testing of petroleum equipment systems.

3. A Licensed Petroleum Equipment Contractor must have in its employ at least one individual who holds a current certificate as a petroleum equipment contractor qualifying agent. A petroleum equipment contractor that performs sales only of petroleum equipment (no service or construction) does not have to be licensed and therefore does not have to have a certified qualifying agent.

#### **D. Procedure to Obtain a Petroleum Equipment Contractor License**

1. Any business entity (individual, a sole proprietorship, partnership, limited liability company or corporation) desiring to qualify and be issued a Petroleum Equipment Contractor License under the provisions of this subsection shall:

a. Submit a completed application to the division on the form provided indicating:

(1) The names and addresses of proprietor, partners, or officers of such applicant;

(2) The place and date such partnership was formed or such corporation was incorporated; and

(3) The name and certificate number of the petroleum equipment contractor qualifying agent.

b. Submit its safety policy which must be approved by the Division;

c. Pay or have paid the required fees;

d. Show evidence of commercial liability insurance designating the Division as the certificate holder in an amount of not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate of a type approved by the Division, and

e. Provide a financial statement (balance sheet) prepared in conformity with accounting principles as defined by the American Institute of Public Accountants, documenting an applicant's current net worth of not less than \$100,000; or a letter from a certified public accountant who is not employed by the applicant or does not receive payment from the applicant on a regular basis verifying that the applicant's current net worth is not less than \$100,000;

f. Submit a sworn statement from the applicant attesting to the accuracy of the information provided on the application;

g. Provide documentation of quality of performance including one of the following:

(1) Sworn statements, on forms approved by the Division, from at least three persons, not related by blood or marriage, who have knowledge of and who can attest to the applicants ability within the previous 12 months to perform: UST installations, repairs, or removals/decommissionings; underground utility construction; or engineering construction. These statements shall attest to the applicants business integrity and quality of performance. Such statements shall also include a description of the type of construction/service work performed by the applicant; or

(2) A written explanation indicating the reason the applicant did not provide the sworn statements required in (1) above and a detailed description to include references of at least three case histories of typical UST construction and/or service activities performed by the applicant during the previous 12 months.

h. Continuing Education Requirements - Provide documentation showing a record of the following continuing education:

(1) Qualifying agents: Four hours safety training and eight hours petroleum equipment related training during the previous 12 months.

(2) All other field personnel with over one year employment by the licensee: Four hours safety training and eight hours petroleum equipment related training during the previous 12 months.

2. The decision of the Division as to the qualifications of applicants shall, in the absence of fraud, be conclusive.

3. After the effective date of this Petroleum Equipment Contractor Licensing Law, no individual, sole proprietorship, partnership, or corporation may engage in the business of petroleum equipment contracting unless such entity holds a Petroleum Equipment Contractor License and has under its employment a certified Petroleum Equipment Contractor qualifying agent.

(a.) Such petroleum equipment contractor qualifying agent must be an actual employee of the licensee and must be actually engaged in the performance of such business on a fulltime basis.

4. In cases where a business entity (individual, sole proprietorship, partnership, or corporation) has more than one permanent office within the State of Georgia, then the business entity shall hold a current license as a Petroleum Equipment Contractor and each permanent office which desires to perform work as a Petroleum Equipment Contractor shall have under its employment a person who holds a valid Petroleum Equipment Contractor Qualifying Agent Certificate. Such person or persons shall be employed in each office on a full-time basis.

#### **E. Procedure to Renew a Petroleum Equipment Contractor License**

1. Any business entity (individual, sole proprietorship, partnership, or corporation) desiring to renew a Petroleum Equipment Contractor License under the provisions of this subsection shall:

a. Submit a completed application to the division on the form provided. Licenses must be renewed every two years. The renewal form will indicate:

(1) Any changes in proprietor, partners, or officers of such applicant;  
(2) The name and certificate number of the petroleum equipment contractor qualifying agent who is employed for each permanent office location of the business from which petroleum contracting is performed;

b. Pay or have paid the required fees;

c. Certify that the contractor has commercial liability insurance designating the Division as the certificate holder in an amount of not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate of a type approved by the Division, and

d. Certify that the contractor has a current net worth of not less than \$100,000.

e. Continuing Education Requirements - Provide documentation showing a record of the following continuing education:

(1) Qualifying agents: Four hours safety training each year and sixteen hours petroleum equipment related training during the previous 24 months.

(2) All other field personnel with over one year employment by the licensee: Four hours safety training and eight hours petroleum equipment related training during the previous 24 months.

**F. Petroleum Equipment Contractor Qualifying Agent - Certification Requirements** - Persons wishing to qualify for a Petroleum Equipment Contractor Qualifying Agent Certification shall:

1. Be at least 18 years of age;
2. Submit a completed application form documenting required experience and other qualifications as prescribed by the board which shall include the following:
  - a. Documentation showing at least two years of active experience in installation, repair, or removal/decommissioning of
    - (1) Underground storage tanks (USTs),
    - (2) Underground utilities,
    - (3) Or other engineering construction;
  - b. Sworn statements, on approved forms, from at least four persons (three from clients not related by blood or marriage and one from a current or previous employer, or employer's representative) who have knowledge of and who can attest to the applicant's ability within the previous 24 months to perform: UST installations, repairs, or removals; underground utility construction; or engineering construction. These statements shall attest to the applicants character, knowledge of construction, and ability to supervise the construction activity. Such statements shall also include a description of the type of construction performed by the applicant;
  - c. A sworn statement by the applicant as to the authenticity of the information provided on the application;
  - d. Submit an appropriate certificate of completion for a four hour petroleum equipment safety course.
  - e. Submit an appropriate certificate of completion for eight hours petroleum equipment related training.

- f. Pass an approved examination.
- g. Submit required fees.
- h. Any person desiring to be issued a petroleum equipment contractor qualifying agent certificate who can show proof of 24 months petroleum equipment experience during the three year period immediately prior to the effective date of these rules may exempt items e and f above.
- i. After the effective date of these rules, no petroleum equipment system installation or closure shall be initiated (permit request/closure notification submitted to the state) unless a Certified Petroleum Equipment Contractor Qualifying Agent is in the full-time employment of the licensee.

**G. Petroleum Equipment Contractor Qualifying Agent -Certification Renewal Requirements** - Persons wishing to renew a Petroleum Equipment Contractor Qualifying Agent Certification shall:

1. Complete the Qualifying Agent Renewal form provided by the Division. Certificates must be renewed every two years. The applicant must be currently employed by a licensed company and must indicate that company and its license number on the renewal form.
2. Show proof of having completed at least 16 hours of petroleum equipment related continuing education within the current two year period.
3. Show proof of having completed a four hour safety training course each year within the current two year period. This has to be a course approved by the Division.
4. A sworn statement by the applicant as to the authenticity of the information provided on the application.

**H. Severance of Certified Petroleum Equipment Contractor Qualifying Agent**

1. It shall be the duty of the licensed petroleum equipment contractor to notify the Division, in accordance with board rules, of severance of connection between

such petroleum equipment contractor and the petroleum equipment contractor qualifying agent certificate holder upon whom the qualification of the petroleum equipment contractor rested.

2. In the event that a licensed petroleum equipment contractor temporarily does not have employed a certified petroleum equipment contractor qualifying agent, upon notice by such petroleum equipment contractor to the Division within five days following the last day of employment of the petroleum equipment contractor qualifying agent, the Division shall grant the petroleum equipment contractor a 90 day grace period in which to employ a petroleum equipment contractor qualifying agent before any action may be taken by the Division to revoke the petroleum equipment contractor's license. The Division may, at its discretion, upon application by the petroleum equipment contractor showing good cause grant one additional 90 day grace period. Grace periods totaling not more than 180 days may be granted during any two-year period. Failure to have employed a petroleum equipment contractor qualifying agent certificate holder shall be grounds for the revocation or suspension of the petroleum equipment contractor license after a notice of hearing.
3. In the event of severance of connection between a petroleum equipment contractor and any petroleum equipment contractor qualifying agent certificate holder, that certificate shall immediately expire, and the holder must apply for certificate renewal upon connection with a new or the same licensed petroleum equipment contractor provided that connection with the same licensee occurs after a period greater than 90 days after the initial severance.

#### **I. Continuing Education Requirements**

1. In regards to the 8 hour continuing education courses and the 4 hour safety courses referred to within these rules, the Division shall be authorized to approve courses offered by institutions of higher learning, vocational technical schools, and trade, technical, or professional organizations in addition to courses offered by regulatory agencies, equipment manufacturers, or institutions under the State Board of Technical and Adult Education. Continuing education courses or programs shall be in the areas of safety, technological advances, business management, government regulation, quality improvement and best practices. Sales courses or presentations conducted by manufacturers specifically to promote their products shall not be approved.

2. The division shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.

**J. Authority to Prepare Examinations** - With respect to applicants for certifications to engage in the business of petroleum equipment contracting the Division shall:

1. Approve examinations for all applicants for certificates.
2. Prepare Examinations, or the Division may choose to accept an examination provided by a third party organization such as, the International Code Council (ICC), or the Petroleum Equipment Institute (PEI) or the Georgia Tank & Environmental Contractors Association (GTEC), or other approved organization.

**K. Display of license registration number**

1. A specific license registration number shall be assigned to every business holding a Petroleum Equipment Contractor license issued by the Division. This license shall be displayed in a conspicuous manner at the licensee's place of business. A copy of the license shall also be displayed in a conspicuous manner at every other permanent office of the licensee within the state of Georgia.
2. All commercial vehicles used by licensed Petroleum Equipment Contractors exclusively in the daily operation of their business shall have prominently displayed thereon the license registration number. Such registration number shall also be prominently displayed on any advertising in telephone yellow pages and newspapers relating to work which a licensee purports to have the capacity to perform. Said license registration number shall also be printed on all invoices and proposal forms to include any service or construction reports/forms where the client is required to sign acknowledging receipt of goods/service.

**L. State Reciprocity**

1. The Division may grant reciprocity with other states in the registration and licensing of petroleum equipment contractors and in the certification of petroleum equipment contractor qualifying agents, provided that such other states have requirements substantially equal to the requirements in force in Georgia for registration, licensure, and certification; provided, further, that a similar privilege is offered to licensees of Georgia.

2. The Division will publish a list of states which have been granted reciprocity.

**M. State Penalties** - In addition to those powers granted by other state rules, the State Construction Industry Licensing Board shall have the power to, upon notice and hearing authorized and conducted in accordance with any rules and regulations promulgated by the board, either by the board directly or through a valid delegation of the board's enforcement power to a division thereof,

1. Assess civil penalties in an amount up to \$10,000.00 per violation against any person found to be in violation of any requirement of this chapter;

2. Investigate, with the aid of the division director, alleged violations of this chapter or other laws and rules and regulations of the board relating to the profession;

3. After notice and hearing, have the power to reprimand any person, licensee, or certificate holder, or to suspend, revoke, or cancel the license or certificate of or refuse to grant, renew, or restore a license or certificate to any person, licensee, or certificate holder upon any one of the following grounds:

a. The commission of any false, fraudulent, or deceitful act or the use of any forged, false, or fraudulent document in connection with the license or certificate requirements of this chapter or the rules and regulations of the board;

b. Failure at any time to comply with the requirements for a license or certificate under this chapter or the rules and regulations of the board;

c. Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to such an extent as to render the license or certificate holder unsafe or unfit to practice any profession licensed or certified under this chapter;

d. Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

e. Knowingly performing any act which in any way assists an unlicensed or noncertified person to practice such profession;

- f. Violating, directly or indirectly, or assisting in or abetting any violation of any provision of this chapter or any rule or regulation of the board;
  - g. The performance of any faulty, inadequate, inefficient, or unsafe petroleum equipment contracting work likely to endanger life, health, or property;
  - h. The performance of any work that does not comply with the standards set by state codes or by local codes in jurisdictions where such codes are adopted, provided that such local codes are as stringent as the state codes, or by other codes or regulations which have been adopted by the board, shall be prima-facie evidence of the faulty, inadequate, inefficient, or unsafe character of such petroleum equipment contracting work.
4. The board, in its sole discretion, for good cause shown and under such conditions as it may prescribe, may restore a license to any person whose license has been suspended or revoked.