

78B-4-510 Affirmative defense for liquified petroleum gas industry.

- (1) In any action for damages for personal injury, death, or property damage in which a seller, supplier, installer, handler, or transporter of liquified petroleum gas is named as a defendant, it shall be an affirmative defense to liability that:
 - (a) the equipment or appliance which caused the damage was altered or modified without the consent or knowledge of the seller, supplier, installer, handler, or transporter; or
 - (b) the equipment or appliance was used in a manner or for a purpose other than that for which it was intended.
- (2) There is a rebuttable presumption that a seller, supplier, installer, handler, or transporter of liquified petroleum gas and the necessary equipment and appliances, licensed in accordance with Title 53, Chapter 7, Part 3, Liquefied Petroleum Gas Act, has followed all applicable standards and procedures established by the Liquified Petroleum Gas Board.

Renumbered and Amended by Chapter 3, 2008 General Session