

1 **LIMITATION ON LIABILITY REGARDING**
2 **LIQUEFIED PETROLEUM GAS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Dan R. Eastman**

7 **LONG TITLE**

8 **General Description:**

9 This bill provides an affirmative defense to specific lawsuits for the liquified petroleum
10 gas industry.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides an affirmative defense to a lawsuit for persons selling, supplying,
14 installing, handling, or transporting liquefied petroleum gas if:
- 15 • an alteration, modification or repair of equipment was done without the person's
 - 16 knowledge or consent; or
 - 17 • the equipment was used in a manner inconsistent with its purpose.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **78-27-65**, Utah Code Annotated 1953

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **78-27-65** is enacted to read:



28 78-27-65. Affirmative defense for liquified petroleum gas industry.

29 (1) In any action for damages for personal injury, death, or property damage in which a
30 seller, supplier, installer, handler, or transporter of liquified petroleum gas is named as a
31 defendant, it shall be an affirmative defense to liability that:

32 (a) the equipment or appliance which caused the damage was altered or modified
33 without the consent or knowledge of the seller, supplier, installer, handler, or transporter; or

34 (b) the equipment or appliance was used in a manner or for a purpose other than that
35 for which it was intended.

36 (2) There is a rebuttable presumption that a seller, supplier, installer, handler, or
37 transporter of liquified petroleum gas and the necessary equipment and appliances have
38 followed all applicable standards and procedures established by the fire code adopted in
39 accordance with Section 53-7-106 by the Utah Fire Prevention Board pursuant to Section
40 53-7-204.

Legislative Review Note
as of 12-7-04 8:43 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-08-04 10:36 AM

The Business and Labor Interim Committee recommended this bill.