

1 appliances, equipment or other components of a liquefied
2 petroleum gas delivery system unless done in accordance with
3 the instructions of the manufacturer; providing protections
4 from liability for persons engaged in the business of selling
5 at retail, supplying, handling or transporting liquefied
6 petroleum gas, for acts in which they did not participate; and
7 using existing criminal penalty provisions for violations.

8 *Be it enacted by the Legislature of West Virginia:*

9 That the Code of West Virginia, 1931, as amended, be amended
10 by adding thereto a new section, designated §29-3-33, to read as
11 follows:

12 **ARTICLE 3. FIRE PREVENTION AND CONSUMER SAFETY ACT.**

13 **§29-3-33. Certification of domestic and commercial liquefied**
14 **petroleum gas-consuming equipment installation;**
15 **adherence to manufacturer's instructions; protection**
16 **from liability for selling at retail, supplying,**
17 **handling or transporting liquefied petroleum gas.**

18 (a) Domestic and commercial liquefied petroleum gas-consuming
19 equipment and appliances may not be installed unless their
20 correctness as to design, construction, and performance is
21 certified by:

22 (1) A nationally recognized testing agency adequately equipped
23 and competent to perform the services evidenced by the attachment

1 of its seal or label to the liquefied petroleum gas appliances.
2 This agency must be one which maintains a program of national
3 inspection of production models of liquefied petroleum gas
4 appliances, at least once each year on the manufacturer's premises;
5 or

6 (2) By the American Gas Association Laboratories, as evidenced
7 by the attachment of its listing symbol or approval seal to
8 liquefied petroleum gas appliances and a certificate or letter
9 certifying approval under the above-mentioned requirements. A
10 listing by Underwriters' Laboratories, Inc., is considered
11 compliance with the provisions of this subsection.

12 (b) A person may not install liquefied petroleum gas-consuming
13 appliances, equipment or other components of a liquefied petroleum
14 gas delivery system unless the installation is made in accordance
15 with the instructions of the manufacturer of the appliance,
16 equipment or component.

17 © A person may not alter, modify, maintain or repair liquefied
18 petroleum gas-consuming appliances, equipment or other components
19 of a liquefied petroleum gas delivery system unless the alteration,
20 modification, maintenance or repair is made in accordance with the
21 instructions of the manufacturer of the appliance, equipment or
22 component.

23 (d) A person engaged in this state in the business of selling
24 at retail, supplying, handling or transporting liquefied petroleum

1 gas is not liable for civil damages for injury to persons or
2 property if the injury, damage or loss was caused by:

3 (1) The alteration, modification or repair of liquefied
4 petroleum gas-consuming equipment or a liquefied petroleum
5 gas-consuming appliance if the alteration, modification or repair
6 was done without the knowledge and consent of the liquefied
7 petroleum gas seller, supplier, handler or transporter; or

8 (2) The use of liquefied petroleum gas-consuming equipment or
9 a liquefied petroleum gas-consuming appliance in a manner or for a
10 purpose other than that for which the equipment or appliance was
11 intended and that could reasonably have been expected.

NOTE: The purpose of this bill is to require certification of correctness as to design, construction and performance of domestic and commercial liquefied petroleum gas-consuming equipment and appliances. The bill would also:

(1) Require the installation of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system in accordance with the instructions of the manufacturer of the appliance, equipment or component;

(2) Prohibit the alteration, modification, maintenance or repair of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system unless done in accordance with the instructions of the manufacturer; and

(3) Provide protection from liability for persons engaged in the business of selling at retail, supplying, handling or transporting liquefied petroleum gas, for acts in which they did not participate.

This section is new; therefore, it has been completely underscored.