

H. B. 4227

(By Delegate Hunt)

[Introduced January 17, 2014; referred to the
Committee on Industry and Labor then the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §29-3-33, relating to
12 liquefied petroleum gas-consuming equipment and appliances and
13 the business of selling at retail, supplying, handling or
14 transporting certain types of liquefied petroleum gas;
15 requiring certification of correctness for design,
16 construction and performance of domestic and commercial
17 liquefied petroleum gas-consuming equipment and appliances;
18 requiring installation of liquefied petroleum gas-consuming
19 appliances, equipment or other components of a liquefied
20 petroleum gas delivery system in accordance with the
21 instructions of the manufacturer of the appliance, equipment
22 or component; and prohibiting the alteration, modification,
23 maintenance or repair of liquefied petroleum gas-consuming
24 appliances, equipment or other components of a liquefied

1 petroleum gas delivery system unless done in accordance with
2 the instructions of the manufacturer; providing protections
3 from liability for persons engaged in the business of selling
4 at retail, supplying, handling or transporting liquefied
5 petroleum gas, unless they are negligent or act intentionally,
6 and the negligence or intentional act causes or partially
7 causes injury or damage.

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 CONTROL ACT.**

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

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

23 (1) A nationally recognized testing agency adequately equipped

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

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

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

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

24 (d)(1) A person engaged in this state in the business of

1 selling at retail, supplying, handling or transporting liquefied
2 petroleum gas is not liable for civil damages for injury to persons
3 or property if:

4 (A) The injury, damage or loss was caused by the alteration,
5 modification or repair of liquefied petroleum gas-consuming
6 appliance or a liquefied petroleum gas delivery system; and

7 (B) The alteration, modification or repair was done without
8 the knowledge and consent of the liquefied petroleum gas seller,
9 supplier, handler or transporter.

10 (2) A person engaged in this state in the business of selling
11 at retail, supplying, handling or transporting liquefied petroleum
12 gas is not exempt from liability for civil damages under
13 subdivision (1) of this subsection if the person or his or her
14 agent or employee is negligent or acts intentionally, and the
15 negligence or intentional act causes or partially causes injury or
16 damage.

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 requires 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. The bill prohibits 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. The bill provides protection from liability for persons engaged in the business of selling at retail,

supplying, handling or transporting liquefied petroleum gas, unless they are negligent or act intentionally, and the negligence or intentional act causes or partially causes injury or damage.

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