

1-1 By: Averitt S.B. No. 1511  
1-2 (In the Senate - Filed March 10, 2005; March 30, 2005, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 May 18, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; May 18, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1511 By: Williams

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to liability for damages caused by a leak from or a  
1-11 malfunction or the improper operation or modification of a  
1-12 liquefied petroleum gas system or related equipment.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 113.301, Natural Resources Code, is  
1-15 amended to read as follows:

1-16 Sec. 113.301. LIMITATION OF LIABILITY OF LICENSED INSTALLER  
1-17 OR SERVICER. A person is not liable for damages caused [~~solely~~]  
1-18 a leak from, a malfunction of, or the improper operation of an LPG  
1-19 system or any part of an LPG system that the person delivered for  
1-20 installation in, but did not install or service, or that the person  
1-21 installed or serviced in a residential, commercial, or public  
1-22 building or in a motor vehicle if:

1-23 (1) the person was licensed by the commission to  
1-24 perform the delivery, installation, or service;

1-25 (2) the delivery, installation, or service was  
1-26 performed in compliance with the safety rules and standards adopted  
1-27 by the commission;

1-28 (3) the person did not have [~~has no~~] control over the  
1-29 operation or use of the LPG system in the premises of the building  
1-30 in which it was installed or in the vehicle in which it was  
1-31 installed;

1-32 (4) the person was not negligent; and

1-33 (5) the person did not supply a defective product that  
1-34 [~~which~~] was a producing cause of harm.

1-35 SECTION 2. Subchapter K, Chapter 113, Natural Resources  
1-36 Code, is amended by adding Sections 113.302, 113.303, and 113.304  
1-37 to read as follows:

1-38 Sec. 113.302. LIMITATION OF LIABILITY IF SYSTEM MODIFIED.  
1-39 A person who is not otherwise responsible under Section 113.301 is  
1-40 not liable for damages caused, in whole or in part, by another  
1-41 person's modification of an LPG system, piping or other equipment  
1-42 that is part of a system, or an appliance that is connected or  
1-43 attached to a system, if the person has no knowledge of the other  
1-44 person's modification of the LPG system, piping or other equipment,  
1-45 or appliance.

1-46 Sec. 113.303. INVOICE NOT CONCLUSIVE PROOF OF KNOWLEDGE OF  
1-47 LEAKAGE. For purposes of determining liability for harm caused by  
1-48 LPG leakage, the invoice for LPG delivered presented by a person who  
1-49 provides LP-gas service for an LPG system or who delivers LPG to the  
1-50 system may be considered by the fact finder for purposes of  
1-51 determining whether the person knew that the system was leaking but  
1-52 is not conclusive proof that the person knew of the leakage.

1-53 Sec. 113.304. CONSTRUCTION OF SUBCHAPTER. This subchapter  
1-54 may not be construed to:

1-55 (1) exempt a person from complying with the  
1-56 requirements of this chapter or commission rules; or

1-57 (2) limit the authority of the commission to  
1-58 administer or ensure compliance with this chapter or commission  
1-59 rules.

1-60 SECTION 3. This Act applies only to a cause of action that  
1-61 accrues on or after the effective date of this Act. A cause of  
1-62 action that accrued before the effective date of this Act is covered  
1-63 by the law in effect when the cause of action accrued, and that law

2-1 is continued in effect for that purpose.

2-2 SECTION 4. Section 113.301, Natural Resources Code, as  
2-3 amended by this Act, and Sections 113.302, 113.303, and 113.304,  
2-4 Natural Resources Code, as added by this Act, are an exercise of  
2-5 authority under Subsection (c), Section 66, Article III, Texas  
2-6 Constitution, and take effect only if this Act receives a vote of  
2-7 three-fifths of all the members elected to each house, as provided  
2-8 by Subsection (e) of that section.

2-9 SECTION 5. This Act takes effect immediately if it receives  
2-10 a vote of two-thirds of all the members elected to each house, as  
2-11 provided by Section 39, Article III, Texas Constitution. If this  
2-12 Act does not receive the vote necessary for immediate effect, this  
2-13 Act takes effect September 1, 2005.

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