

By: Flynn, Farabee

H.B. No. 1170

Substitute the following for H.B. No. 1170:

By: Crabb

C.S.H.B. No. 1170

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation and limitation of liability of persons  
3 engaged in certain liquefied petroleum gas-related activities,  
4 including requirements concerning consumer safety notification.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 113, Natural Resources Code, is amended  
7 by adding Subchapter M to read as follows:

8 SUBCHAPTER M. CONSUMER SAFETY NOTIFICATION

9 Sec. 113.401. NOTICE REQUIRED. (a) A person holding a  
10 license to install or repair an LPG system who sells, installs, or  
11 repairs an LPG system, piping or other equipment that is part of a  
12 system, or an appliance that is connected or attached to a system  
13 shall provide the following notice to the purchaser or owner of the  
14 system, piping or other equipment, or appliance:

15 WARNING: Flammable Gas. The installation, modification, or  
16 repair of an LPG system by a person who is not licensed or  
17 registered to install, modify, or repair an LPG system may cause  
18 injury, harm, or loss. Contact a person licensed or registered to  
19 install, modify, or repair an LPG system. A person licensed to  
20 install or repair an LPG system may not be liable for damages caused  
21 by the modification of an LPG system by an unlicensed person except  
22 as otherwise provided by applicable law.

23 (b) The commission shall adopt rules relating to the notice  
24 required by Subsection (a).

1 SECTION 2. Section 113.301, Natural Resources Code, is  
2 amended to read as follows:

3 Sec. 113.301. LIMITATION OF LIABILITY OF LICENSED INSTALLER  
4 OR SERVICER. A person is not liable for damages caused solely by a  
5 malfunction or the installation, modification, or improper  
6 operation of an LPG system that the person delivered for  
7 installation, installed, or serviced in a residential, commercial,  
8 or public building or in a motor vehicle if:

9 (1) the person was licensed by the commission to  
10 perform the installation or service or was a registrant;

11 (2) the delivery, installation, or service was  
12 performed in compliance with the safety rules and standards adopted  
13 by the commission;

14 (3) the person has no control over the operation or use  
15 of the LPG system;

16 (4) the person was not negligent; and

17 (5) the person did not supply a defective product  
18 which was a producing cause of harm.

19 SECTION 3. Section 113.301, Natural Resources Code, as  
20 amended by this Act, applies only to a cause of action that accrues  
21 on or after the effective date of this Act. A cause of action that  
22 accrued before the effective date of this Act is covered by the law  
23 in effect when the cause of action accrued, and that law is  
24 continued in effect for that purpose.

25 SECTION 4. Section 113.301, Natural Resources Code, as  
26 amended by this Act, is an exercise of authority under Section  
27 66(c), Article III, Texas Constitution, and takes effect only if

1 this Act receives a vote of three-fifths of all the members elected  
2 to each house, as provided by Subsection (e) of that section.

3 SECTION 5. (a) Except as provided by Subsection (b) of  
4 this section, this Act takes effect immediately if it receives a  
5 vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.

9 (b) Section 1 of this Act takes effect September 1, 2007.