

1-1 By: Flynn, Farabee (Senate Sponsor - Deuell) H.B. No. 1170  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 April 27, 2007, read first time and referred to Committee on State  
1-4 Affairs; May 15, 2007, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 15, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the regulation and limitation of liability of persons  
1-9 engaged in certain liquefied petroleum gas-related activities,  
1-10 including requirements concerning consumer safety notification.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 113, Natural Resources Code, is amended  
1-13 by adding Subchapter M to read as follows:

1-14 SUBCHAPTER M. CONSUMER SAFETY NOTIFICATION

1-15 Sec. 113.401. NOTICE REQUIRED. (a) A person holding a  
1-16 license to install or repair an LPG system who sells, installs, or  
1-17 repairs an LPG system, piping or other equipment that is part of a  
1-18 system, or an appliance that is connected or attached to a system  
1-19 shall provide the following notice to the purchaser or owner of the  
1-20 system, piping or other equipment, or appliance:

1-21 WARNING: Flammable Gas. The installation, modification, or  
1-22 repair of an LPG system by a person who is not licensed or  
1-23 registered to install, modify, or repair an LPG system may cause  
1-24 injury, harm, or loss. Contact a person licensed or registered to  
1-25 install, modify, or repair an LPG system. A person licensed to  
1-26 install or repair an LPG system may not be liable for damages caused  
1-27 by the modification of an LPG system by an unlicensed person except  
1-28 as otherwise provided by applicable law.

1-29 (b) The commission shall adopt rules relating to the notice  
1-30 required by Subsection (a).

1-31 SECTION 2. Section 113.301, Natural Resources Code, is  
1-32 amended to read as follows:

1-33 Sec. 113.301. LIMITATION OF LIABILITY OF LICENSED INSTALLER  
1-34 OR SERVICER. A person is not liable for damages caused solely by a  
1-35 malfunction or the installation, modification, or improper  
1-36 operation of an LPG system that the person delivered for  
1-37 installation, installed, or serviced in a residential, commercial,  
1-38 or public building or in a motor vehicle if:

1-39 (1) the person was licensed by the commission to  
1-40 perform the installation or service or was a registrant;

1-41 (2) the delivery, installation, or service was  
1-42 performed in compliance with the safety rules and standards adopted  
1-43 by the commission;

1-44 (3) the person has no control over the operation or use  
1-45 of the LPG system;

1-46 (4) the person was not negligent; and

1-47 (5) the person did not supply a defective product  
1-48 which was a producing cause of harm.

1-49 SECTION 3. Section 113.301, Natural Resources Code, as  
1-50 amended by this Act, applies only to a cause of action that accrues  
1-51 on or after the effective date of this Act. A cause of action that  
1-52 accrued before the effective date of this Act is covered by the law  
1-53 in effect when the cause of action accrued, and that law is  
1-54 continued in effect for that purpose.

1-55 SECTION 4. Section 113.301, Natural Resources Code, as  
1-56 amended by this Act, is an exercise of authority under Section  
1-57 66(c), Article III, Texas Constitution, and takes effect only if  
1-58 this Act receives a vote of three-fifths of all the members elected  
1-59 to each house, as provided by Subsection (e) of that section.

1-60 SECTION 5. (a) Except as provided by Subsection (b) of  
1-61 this section, this Act takes effect immediately if it receives a  
1-62 vote of two-thirds of all the members elected to each house, as  
1-63 provided by Section 39, Article III, Texas Constitution. If this  
1-64 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2007.

2-2 (b) Section 1 of this Act takes effect September 1, 2007.

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