

By: Deuell

S.B. No. 1140

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

15 WARNING: Flammable Gas. The modification of an LPG system by  
16 a person who is not licensed to install or repair an LPG system may  
17 cause injury, harm, or loss. If you want to have the system  
18 modified, contact a person licensed to install or repair an LPG  
19 system. A person licensed to install or repair an LPG system is not  
20 liable for damages caused by the modification of an LPG system by an  
21 unlicensed person.

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

24 Sec. 113.301. LIMITATION OF LIABILITY OF LICENSED INSTALLER

1 OR SERVICER. A person is not liable for damages caused solely by a  
2 malfunction or the modification or improper operation of an LPG  
3 system that the person delivered for installation but did not  
4 install or service, or that the person installed or serviced, in a  
5 residential, commercial, or public building or in a motor vehicle  
6 if:

7 (1) the person was licensed by the commission to  
8 perform the installation or service;

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

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

14 (4) the person was not negligent; and

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

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

23 SECTION 4. Section 113.301, Natural Resources Code, as  
24 amended by this Act, is an exercise of authority under Section  
25 66(c), Article III, Texas Constitution, and takes effect only if  
26 this Act receives a vote of three-fifths of all the members elected  
27 to each house, as provided by Subsection (e) of that section.

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

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