

**H. B. 2436**

(By Delegate Hunt)

[Introduced February 14, 2013; referred to the  
Committee on Energy, Industry and Labor, Economic  
Development and Small Business then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §29-3-33, relating to  
liquefied petroleum gas-consuming equipment and appliances and  
the business of selling at retail, supplying, handling or  
transporting certain types of liquefied petroleum gas;  
requiring certification of correctness as to design,  
construction and performance of domestic and commercial  
liquefied petroleum gas-consuming equipment and appliances;  
requiring 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; prohibiting the alteration, modification,  
maintenance or repair of liquefied petroleum gas-consuming  
appliances, equipment or other components of a liquefied

1 petroleum gas delivery system unless done in accordance with  
2 the instructions of the manufacturer; and providing  
3 protections from liability for persons engaged in the  
4 business of selling at retail, supplying, handling or  
5 transporting liquefied petroleum gas, for acts in which they  
6 did not participate.

7 *Be it enacted by the Legislature of West Virginia:*

8 That the Code of West Virginia, 1931, as amended, be amended  
9 by adding thereto a new section, designated §29-3-33, to read as  
10 follows:

11 **ARTICLE 3. FIRE PREVENTION AND CONSUMER SAFETY ACT.**

12 **§29-3-33. Certification of domestic and commercial liquefied**  
13 **petroleum gas-consuming equipment installation;**  
14 **adherence to manufacturer's instructions; protection**  
15 **from liability for selling at retail, supplying,**  
16 **handling or transporting liquefied petroleum gas.**

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

21 (1) A nationally recognized testing agency adequately equipped  
22 and competent to perform the services evidenced by the attachment  
23 of its seal or label to the liquefied petroleum gas appliances.

1 This agency must be one which maintains a program of national  
2 inspection of production models of liquefied petroleum gas  
3 appliances, at least once each year on the manufacturer's premises;  
4 or

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

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

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

22 (d) A person engaged in this state in the business of selling  
23 at retail, supplying, handling or transporting liquefied petroleum  
24 gas is not liable for civil damages for injury to persons or

1 property if the injury, damage or loss was caused by:

2       (1) The alteration, modification or repair of liquefied  
3 petroleum gas-consuming equipment or a liquefied petroleum  
4 gas-consuming appliance if the alteration, modification or repair  
5 was done without the knowledge and consent of the liquefied  
6 petroleum gas seller, supplier, handler or transporter; or

7       (2) The use of liquefied petroleum gas-consuming equipment or  
8 a liquefied petroleum gas-consuming appliance in a manner or for a  
9 purpose other than that for which the equipment or appliance was  
10 intended and that could reasonably have been expected.

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 would also:

(1) Require 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;

(2) Prohibit 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; and

(3) Provide protection from liability for persons engaged in the business of selling at retail, supplying, handling or transporting liquefied petroleum gas, for acts in which they did not participate.

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