

**H. B. 2784**

(By Delegates Lynch, Moore and Ashley)

[Introduced February 17, 2015; referred to the

Committee on Industry and Labor then the Judiciary.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
11 designated §29-3-33, relating to liquefied petroleum gas-consuming equipment and  
12 appliances and the business of selling at retail, supplying, handling or transporting certain  
13 types of liquefied petroleum gas; requiring certification of correctness as to design,  
14 construction and performance of domestic and commercial liquefied petroleum  
15 gas-consuming equipment and appliances; requiring installation of liquefied petroleum  
16 gas-consuming appliances, equipment or other components of a liquefied petroleum gas  
17 delivery system in accordance with the instructions of the manufacturer of the appliance,  
18 equipment or component; and prohibiting the alteration, modification, maintenance or repair  
19 of liquefied petroleum gas-consuming appliances, equipment or other components of a  
20 liquefied petroleum gas delivery system unless done in accordance with the instructions of  
21 the manufacturer; providing protections from liability for persons engaged in the business  
22 of selling at retail, supplying, handling or transporting liquefied petroleum gas, unless they

1 are negligent or act intentionally, and the negligence or intentional act causes or partially  
2 causes injury or damage.

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

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

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

7 **§29-3-33. Certification of domestic and commercial liquefied petroleum gas-consuming**  
8 **equipment installation; adherence to manufacturer's instructions; protection**  
9 **from liability for selling at retail, supplying, handling or transporting liquefied**  
10 **petroleum gas.**

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

14 (1) A nationally recognized testing agency adequately equipped and competent to perform  
15 the services evidenced by the attachment of its seal or label to the liquefied petroleum gas appliances.  
16 This agency must be one which maintains a program of national inspection of production models of  
17 liquefied petroleum gas appliances, at least once each year on the manufacturer's premises; or

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

22 (b) A person may not install liquefied petroleum gas-consuming appliances, equipment or

1 other components of a liquefied petroleum gas delivery system unless the installation is made in  
2 accordance with the instructions of the manufacturer of the appliance, equipment or component.

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

7 (d) (1) A person engaged in this state in the business of selling at retail, supplying, handling  
8 or transporting liquefied petroleum gas is not liable for civil damages for injury to persons or  
9 property if:

10 (A) The injury, damage or loss was caused by the alteration, modification or repair of  
11 liquefied petroleum gas-consuming appliance or a liquefied petroleum gas delivery system; and

12 (B) The alteration, modification or repair was done without the knowledge and consent of  
13 the liquefied petroleum gas seller, supplier, handler or transporter.

14 (2) A person engaged in this state in the business of selling at retail, supplying, handling or  
15 transporting liquefied petroleum gas is not exempt from liability for civil damages under subdivision  
16 (1) of this subsection if the person or his or her agent or employee is negligent or acts intentionally,  
17 and the negligence or intentional act causes or partially causes injury or damage.

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 requires 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. The bill prohibits 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. The bill provides protection from liability for persons engaged in the business of selling at retail, supplying, handling or transporting liquefied petroleum gas, unless they are negligent or act intentionally, and the negligence or intentional act causes or partially causes injury or damage.

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