

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 1536  
Committee Substitute Favorable 5/9/07  
Senate Judiciary I (Civil) Committee Substitute Adopted 7/10/07

Short Title: Limit Liability of LPG Dealer/Certain Others. (Public)

Sponsors:

Referred to:

April 18, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM  
3 GAS AND THEIR EMPLOYEES, AGENTS, AND SUBCONTRACTORS  
4 UNDER CERTAIN SPECIFIED CIRCUMSTANCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 5 of Chapter 119 of the General Statutes is amended by  
7 adding a new section to read:

8 **§ 119-62. Liquefied petroleum gas dealers and their employees, agents,**  
9 **subcontractors; liability limitations.**

10 (a) A dealer shall not be liable for any civil damages resulting from any act or  
11 failure to act if the alleged injury, damage, or loss claimed in the action was caused by  
12 any one or more of the following:

13 (1) The installation, alteration, modification, or repair of liquefied  
14 petroleum gas equipment or a liquefied petroleum gas appliance by a  
15 person, other than the dealer, and the installation, alteration,  
16 modification, or repair was done without the knowledge and consent of  
17 the dealer.

18 (2) The use of liquefied petroleum gas equipment or a liquefied petroleum  
19 gas appliance by a person, other than the dealer, in a manner or for a  
20 purpose other than that for which the equipment or appliance was  
21 intended, and the use of the equipment or appliance in a manner or for  
22 a purpose other than that for which the equipment or appliance was  
23 intended took place without the knowledge and consent of the dealer.

24 (3) The installation of liquefied petroleum gas equipment or a liquefied  
25 petroleum gas appliance by a person, other than the dealer, in a manner  
26 not in accordance with the instructions of the manufacturer of the  
27 equipment or appliance or in a manner not in accordance with rules  
28 adopted under this Article, and the installation of the equipment or

1                    appliance in a manner not in accordance with the instructions of the  
2                    manufacturer of the equipment or appliance or in a manner not in  
3                    accordance with rules adopted under this Article took place without  
4                    the knowledge and consent of the dealer.

5            (b)    Nothing in this section alters a dealer's duty to exercise reasonable care.

6            (c)    As used in this section, 'dealer' means dealer as defined in G.S. 119-54 and  
7            any employee, agent, and subcontractor of the dealer."

8                    **SECTION 2.** This act becomes effective October 1, 2007, and applies to acts  
9            or omissions occurring on or after that date.