

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**HOUSE BILL 1536
RATIFIED BILL**

AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM GAS AND THEIR EMPLOYEES, AGENTS, AND SUBCONTRACTORS UNDER CERTAIN SPECIFIED CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

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

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

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

- (1) The installation, alteration, modification, or repair of liquefied petroleum gas equipment or a liquefied petroleum gas appliance by a person, other than the dealer, and the installation, alteration, modification, or repair was done without the knowledge and consent of the dealer.
- (2) The use of liquefied petroleum gas equipment or a liquefied petroleum gas appliance by a person, other than the dealer, in a manner or for a purpose other than that for which the equipment or appliance was intended, and the use of the equipment or appliance in a manner or for a purpose other than that for which the equipment or appliance was intended took place without the knowledge and consent of the dealer.
- (3) The installation of liquefied petroleum gas equipment or a liquefied petroleum gas appliance by a person, other than the dealer, in a manner not in accordance with the instructions of the manufacturer of the equipment or appliance or in a manner not in accordance with rules adopted under this Article, and the installation of the equipment or appliance in a manner not in accordance with the instructions of the manufacturer of the equipment or appliance or in a manner not in accordance with rules adopted under this Article took place without the knowledge and consent of the dealer.

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

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

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

In the General Assembly read three times and ratified this the 18th day of July, 2007.

Marc Basnight
President Pro Tempore of the Senate

Joe Hackney
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2007