

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/1/07
A Bill

HOUSE BILL 1224

5 By: Representatives Edwards, Cornwell, Garner, George, Glidewell, Hawkins, Hoyt, Kenney, Kidd, M.
6 Martin, Pierce, Pyle, Reynolds, Rosenbaum, Walters, Wells, *Sullivan, R. Green*
7 By: Senators Baker, Whitaker
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10 **For An Act To Be Entitled**

11 AN ACT TO PROVIDE AFFIRMATIVE DEFENSES TO
12 LIQUEFIED PETROLEUM GAS PROVIDERS IN ACTIONS FOR
13 CIVIL LIABILITY; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 TO PROVIDE AFFIRMATIVE DEFENSES TO
17 LIQUEFIED PETROLEUM GAS PROVIDERS IN
18 ACTIONS FOR CIVIL LIABILITY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 15, Chapter 75, Subchapter 1 is amended
24 to add an additional section to read as follows:

25 15-75-112. Affirmative Defense.

26 (a) As used in this section:

27 (1) "Liquefied petroleum gas equipment" means any appliance,
28 equipment, or piping system that uses, stores, or transports liquefied
29 petroleum gas; and

30 (2) "Liquefied petroleum gas provider" means any person or
31 entity engaged in the business of supplying, handling, transporting, or
32 selling liquefied petroleum gas.

33 (b) A liquefied petroleum gas provider shall have an affirmative
34 defense to any action for civil liability for damage or injury caused by:

35 (1) An alteration or modification of liquefied petroleum gas
36 equipment that was not reasonably foreseeable by the provider and caused the



1 equipment to be unsafe for use in its altered or modified form; or

2 (2) The end-user's use of liquified petroleum gas equipment:

3 (A) Was outside of the manner or purpose that could
4 reasonably have been intended to be used or rendered the equipment unsafe;
5 and

6 (B) Petroleum gas provider or the liquefied equipment's
7 manufacturer provided a reasonable warning about the consequences of misusing
8 the equipment.

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10 /s/ Edwards, et al
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