

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 H2/2/07

# 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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## 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

### Subtitle

15 TO PROVIDE AFFIRMATIVE DEFENSES TO  
16 LIQUEFIED PETROLEUM GAS PROVIDERS IN  
17 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) The liquified petroleum gas provider or the  
7 equipment's manufacturer provided a reasonable warning about the consequences  
8 of misusing the equipment.

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10 /s/ Edwards, et al  
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