

SENATE BILL NO. 133—COMMITTEE ON JUDICIARY

FEBRUARY 21, 2007

Referred to Committee on Judiciary

SUMMARY—Enacts provisions pertaining to civil actions involving liquefied petroleum gas. (BDR 3-77)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to liquefied petroleum gas; providing an affirmative defense to liability for persons or entities dealing in liquefied petroleum gas under certain circumstances; establishing a rebuttable presumption concerning compliance with standards and procedures regarding liquefied petroleum gas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill provides an affirmative defense to liability for persons or entities
- 2 dealing in liquefied petroleum gas if the liquefied petroleum gas system which
- 3 caused the damage was altered or modified by the retail end-user without the
- 4 consent or knowledge of the person or entity dealing in the liquefied petroleum gas
- 5 product or if the liquefied petroleum gas system was used by the retail end-user in a
- 6 manner or for a purpose other than that for which it was intended. This bill also
- 7 establishes a rebuttable presumption that a licensed person or entity has followed
- 8 all applicable standards and procedures established by the Board for the Regulation
- 9 of Liquefied Petroleum Gas.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any action for damages for personal injury, death or property damage in which a seller, supplier, installer, handler or transporter of liquefied petroleum gas is named as a defendant, it is an affirmative defense to liability that:

(a) The liquefied petroleum gas system which caused the damage was altered or modified by the retail end-user without the consent or knowledge of the seller, supplier, installer, handler or transporter; or

(b) The liquefied petroleum gas system was used by the retail end-user in a manner or for a purpose other than that for which it was intended.

2. There is a rebuttable presumption that if a seller, supplier, installer, handler or transporter of liquefied petroleum gas or a liquefied petroleum gas system is licensed in accordance with the provisions of NRS 590.465 to 590.645, inclusive, the Nevada Liquefied Petroleum Gas Act, the seller, supplier, installer, handler or transporter has followed all applicable standards and procedures established by the Board for the Regulation of Liquefied Petroleum Gas.

3. As used in this section:

(a) "Liquefied petroleum gas" has the meaning ascribed to it in NRS 590.475.

(b) "Liquefied petroleum gas system" includes, without limitation, any containers, valves, pressure regulators, piping, controls, venting systems and other equipment and appliances.

(c) "Retail end-user" means any person or entity, other than a seller, supplier, installer, handler or transporter of liquefied petroleum gas, who uses liquefied petroleum gas.

