

SENATE BILL REPORT

SB 5657

As Reported By Senate Committee On:
Judiciary, March 1, 2005

Title: An act relating to limiting liability for persons who work with liquefied petroleum gas.

Brief Description: Limiting liability for persons working with liquefied petroleum gas.

Sponsors: Senators Haugen and Brandland.

Brief History:

Committee Activity: Judiciary: 2/16/05, 3/1/05 [DPS, DNP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5657 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin and Rasmussen.

Minority Report: Do not pass.

Signed by Senator Weinstein, Vice Chair.

Staff: Cindy Fazio (786-7405)

Background: Liquefied petroleum (LP) gas refers to such gases as propane, propylene, butane and butylene or mixes of these gases. The most commonly used of these gases, commercially and residentially, is propane. While some individuals or businesses own their LP-gas containers and equipment, it is common for the gas distributor to own tanks and other equipment or appliances which they lease to the consumer. Most LP-gas distributors train their employees and the lessee's employees, when appropriate, to properly handle, inspect, operate, and fill the container. The container is an integral part of a pressurized fuel system. If it is filled improperly, or becomes damaged due to improper handling, an accident could occur resulting in personal injury and/or property damage.

Summary of Substitute Bill: A person who sells at retail, supplies, handles, or transports liquefied petroleum gas is not liable for civil damages for death, injury, or loss of property under the following circumstances:

- liquefied petroleum gas equipment or appliance is installed, altered, modified, or repaired without the person's constructive knowledge and consent; and
- the liquefied petroleum gas equipment or appliance is used in a manner, or for a purpose other than that, intended or foreseeable and such misuse could not reasonably be expected.

Substitute Bill Compared to Original Bill: A gas seller, handler, supplier, or transporter is immune from liability for civil damages for an action for wrongful death, as well as injury or

loss of property. Immunity from liability attaches if changes to the equipment or appliances are made without the gas seller, handler, supplier, or transporter having constructive knowledge, not knowledge, of the changes, or if the equipment or appliances are used in a manner, or for a purpose other than that intended or foreseeable. The section on immunity attaching due to the gas seller's compliance with the National Fire Protection Association codes is removed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Propane marketers set up their tanks and piping; consumers may then hook up various appliances to the equipment. The marketers are responsible for the set-up but should not be responsible for the actions of others subsequent to the setup. The National Fire Protection Association National Fuel Gas Codes have been adopted into state law, into the building codes, under gas installation. There is one concern about the blanket immunity given for prescribing to the Gas Codes; as with the definition of knowledge and consent.

Testimony Against: None.

Who Testified: PRO: Mel Sorenson, Northwest Propane Gas Association; Larry Shannon, Washington State Trial Lawyers' Association.