

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.

Act 119 of the Regular Session

1 State of Arkansas

As Engrossed: H2/1/07 H2/2/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1224

4  
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



1 equipment that was not reasonably foreseeable by the provider and caused the  
2 equipment to be unsafe for use in its altered or modified form; or

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

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

7 (B) The liquified petroleum gas provider or the  
8 equipment's manufacturer provided a reasonable warning about the consequences  
9 of misusing the equipment.

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11 /s/ Edwards, et al

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13 APPROVED: 2/16/2007