

CHAPTER 80

S.B. No. 779

AN ACT

relating to liability of a licensed installer or servicer of certain liquefied petroleum gas systems.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 113, Natural Resources Code, is amended by adding Subchapter J to read as follows:

*SUBCHAPTER J. LIABILITY OF LICENSE HOLDER*

*Sec. 113.301. LIMITATION OF LIABILITY OF LICENSED INSTALLER OR SERVICER. A person is not liable for damages caused solely by a malfunction or improper operation of an LPG system that the person installed or serviced in a residential, commercial, or public building if:*

- (1) the person was licensed to perform the installation or service; and*
- (2) the installation or service was performed in compliance with the safety rules and standards adopted by the commission;*
- (3) the person has no control over the operation of the LPG system;*
- (4) the person was not negligent; and*
- (5) the person did not supply a defective product which was a producing cause of harm.*

SECTION 2. This Act applies only to a cause of action for damages arising out of a malfunction or the improper operation of a liquefied petroleum gas system that occurs on or after the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be

suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 1, 1993: Yeas 30, Nays 0; the Senate concurred in House amendment on April 21, 1993: Yeas 30, Nays 0; passed the House, with amendment, on April 15, 1993, by a non-record vote.

Approved May 4, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.