

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regarding notice requirements by customers of and
2 limitations on liability for liquefied petroleum gas
3 suppliers, retailers, handlers, and transports, and making a
4 penalty applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2243

1 Section 1. NEW SECTION. 101.14 NOTICE REQUIREMENTS --
2 NONLIABILITY.

3 1. A liquefied petroleum gas customer in this state shall
4 provide immediate written notice to the customer's liquefied
5 petroleum gas supplier of any installation, modification,
6 repair, or servicing of the customer's liquefied petroleum gas
7 system.

8 2. A retailer, handler, or transporter engaged in this
9 state in the business of selling liquefied petroleum gas at
10 retail or in the business of handling or transporting
11 liquefied petroleum gas over the public roads of this state,
12 and any employee of such a retailer, handler, or transporter,
13 shall not be liable for damages for injury to persons or
14 property that result from any occurrence caused by the
15 installation, modification, repair, or servicing of a liquid
16 petroleum gas system by any other person unless the retailer,
17 handler, or transporter inspected the system prior to the
18 system being placed back into service.

19 3. This section shall not limit the liability of any
20 person for any damages that arise directly from the gross
21 negligence or willful or wanton act of the person.

22 4. For purposes of this section, "liquefied petroleum gas
23 system" means any container designed to hold more than twenty
24 pounds of liquefied petroleum gas and attached valves,
25 regulators, piping, appliances, controls on appliances, and
26 venting of appliances.

27 EXPLANATION

28 This bill requires liquefied petroleum gas customers to
29 provide immediate written notice to the customers' gas
30 suppliers of any repair, servicing, modification, or
31 installation to the customers' liquefied petroleum gas
32 systems.

33 The bill exempts retailers, handlers, and transporters of
34 liquefied petroleum gas from liability for damages caused by
35 the repair, servicing, modification, or installation of a

1 liquefied petroleum gas system by another person unless the
2 retailer, handler, or transporter inspected the system prior
3 to it being placed back into service.

4 The limitation of liability does not apply where the
5 retailer, handler, or transporter commits gross negligence or
6 a willful or wanton act. The bill defines a "liquefied
7 petroleum gas system" as a container designed to hold more
8 than 20 pounds of gas and any attachments.

9 A violation of any rules adopted under Code chapter 101 is
10 a simple misdemeanor. A single misdemeanor is punishable by
11 confinement for no more than 30 days or a fine of at least \$50
12 but not more than \$500 or both.

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HOUSE FILE 2243**S-5155**

1 Amend House File 2243, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 21 and
4 inserting the following:

5 "Section 1. NEW SECTION. 101.14 USER
6 RESPONSIBILITY.

7 1. In any action or claim seeking damages for
8 personal injuries or damage to property arising out of
9 injuries or loss due to defects in a liquefied
10 petroleum gas system, or arising out of the condition
11 of any portion of that system, the negligence or other
12 fault of the customer, owner, or other person in
13 possession of or making use of that system relating to
14 the installation, modification, maintenance, or repair
15 of the system or damage incurred to the system, shall
16 be, pursuant to chapter 668, admissible in evidence
17 and considered by the finder of fact as to whether
18 such negligence or other fault was the cause in fact
19 of the accident or condition leading to the injuries
20 or damages."

21 2. Page 1, line 22, by striking the figure "4."
22 and inserting the following: "2."

23 3. Page 1, lines 23 and 24, by striking the words
24 "more than twenty pounds of".

25 4. Title page, by striking lines 1 through 4 and
26 inserting the following: "An Act regarding user
27 responsibility and liability with respect to liquefied
28 petroleum gas systems."

By COMMITTEE ON COMMERCE
JERRY BEHN, Chairperson

S-5155 FILED MARCH 29, 2004
ADOPTED

HOUSE FILE 2243**S-5169**

1 Amend the amendment, S-5155, to House File 2243, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 16 through 18 and
4 inserting the following: "be admissible in evidence
5 and considered by the finder of fact if such conduct
6 was a cause in fact".

By BRYAN J. SIEVERS

S-5169 FILED MARCH 29, 2004
ADOPTED

SENATE AMENDMENT TO
HOUSE FILE 2243

H-8340

1 Amend House File 2243, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 21 and
4 inserting the following:

5 "Section 1. NEW SECTION. 101.14 USER
6 RESPONSIBILITY.

7 1. In any action or claim seeking damages for
8 personal injuries or damage to property arising out of
9 injuries or loss due to defects in a liquefied
10 petroleum gas system, or arising out of the condition
11 of any portion of that system, the negligence or other
12 fault of the customer, owner, or other person in
13 possession of or making use of that system relating to
14 the installation, modification, maintenance, or repair
15 of the system or damage incurred to the system, shall
16 be admissible in evidence and considered by the finder
17 of fact if such conduct was a cause in fact of the
18 accident or condition leading to the injuries or
19 damages."

20 2. Page 1, line 22, by striking the figure "4."
21 and inserting the following: "2."

22 3. Page 1, lines 23 and 24, by striking the words
23 "more than twenty pounds of".

24 4. Title page, by striking lines 1 through 4 and
25 inserting the following: "An Act regarding user
26 responsibility and liability with respect to liquefied
27 petroleum gas systems."

RECEIVED FROM THE SENATE

H-8340 FILED MARCH 30, 2004

petroleum gas and attached valves, regulators, piping, appliances, controls on appliances, and venting of appliances.

HOUSE FILE 2243

AN ACT
REGARDING USER RESPONSIBILITY AND LIABILITY WITH RESPECT TO
LIQUEFIED PETROLEUM GAS SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 101.14 USER RESPONSIBILITY.

1. In any action or claim seeking damages for personal injuries or damage to property arising out of injuries or loss due to defects in a liquefied petroleum gas system, or arising out of the condition of any portion of that system, the negligence or other fault of the customer, owner, or other person in possession of or making use of that system relating to the installation, modification, maintenance, or repair of the system or damage incurred to the system, shall be admissible in evidence and considered by the finder of fact if such conduct was a cause in fact of the accident or condition leading to the injuries or damages.

2. For purposes of this section, "liquefied petroleum gas system" means any container designed to hold liquefied

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2243, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor