

HOUSE BILL No. 4123

January 29, 2013, Introduced by Reps. Victory, Somerville, Bumstead, Graves, Johnson, Pagel, MacGregor, McBroom, Kelly, Haines, Goike, VerHeulen, Hooker, Genetski, Poleski, Zorn, Lyons, Nesbitt, Cotter, MacMaster, Heise, Daley, Lauwers, Price, Potvin, Schmidt, Foster, Franz, McMillin, Kivela and Pettalia and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2977.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2977. (1) A LIQUEFIED PETROLEUM GAS BUSINESS IS NOT
2 LIABLE FOR DAMAGES FOR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE
3 ARISING FROM THE SALE, SUPPLYING, HANDLING, TRANSPORTATION, OR
4 DELIVERY OF LIQUEFIED PETROLEUM GAS IF BOTH OF THE FOLLOWING APPLY:

5 (A) THE SALE, SUPPLYING, HANDLING, TRANSPORTATION, OR DELIVERY
6 OF THE LIQUEFIED PETROLEUM GAS WAS EITHER OF THE FOLLOWING:

7 (i) IN COMPLIANCE WITH ALL OF THE FOLLOWING:

8 (A) RULES PROMULGATED UNDER SECTION 3C OF THE FIRE PREVENTION
9 CODE, 1941 PA 207, MCL 29.3C.

10 (B) SECTION 2 OF 1959 PA 241, MCL 429.112.

11 (C) RULES PROMULGATED UNDER THE STILLE-DEROSSETT-HALE SINGLE

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1 STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1501 TO 125.1531.

2 (ii) NOT IN COMPLIANCE WITH THE STATUTE AND RULES IDENTIFIED IN
3 SUBPARAGRAPH (i), BUT THE FAILURE TO COMPLY WAS NOT A PROXIMATE
4 CAUSE OF THE PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE.

5 (B) THE PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE WAS CAUSED
6 BY EITHER OF THE FOLLOWING:

7 (i) THE ALTERATION, MODIFICATION, OR REPAIR OF LIQUEFIED
8 PETROLEUM GAS EQUIPMENT OR A LIQUEFIED PETROLEUM GAS APPLIANCE,
9 UNLESS THE ALTERATION, MODIFICATION, OR REPAIR WAS WITH THE
10 KNOWLEDGE OR CONSENT OF THE LIQUEFIED PETROLEUM GAS BUSINESS.

11 (ii) THE USE OF LIQUEFIED PETROLEUM GAS EQUIPMENT OR A
12 LIQUEFIED PETROLEUM GAS APPLIANCE IN A MANNER OR FOR A PURPOSE
13 OTHER THAN THE MANNER IN WHICH OR PURPOSE FOR WHICH THE EQUIPMENT
14 OR APPLIANCE WAS INTENDED TO BE USED, UNLESS THE USE COULD
15 REASONABLY HAVE BEEN EXPECTED BY THE LIQUEFIED PETROLEUM GAS
16 BUSINESS.

17 [(2) THE PROTECTION FROM LIABILITY PROVIDED BY SUBSECTION (1) DOES
NOT APPLY TO A MANUFACTURER OF LIQUEFIED PETROLEUM GAS EQUIPMENT.

18 (3)] AS USED IN THIS SECTION:

19 (A) "LIQUEFIED PETROLEUM GAS BUSINESS" MEANS A PERSON WHO IS
20 ENGAGED PRIMARILY IN THE BUSINESS OF SELLING AT RETAIL, SUPPLYING,
HANDLING, OR TRANSPORTING LIQUEFIED PETROLEUM GAS.

21 (B) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
22 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

23 Enacting section 1. This amendatory act takes effect on July
24 1, 2013.