**South Carolina General Assembly**

118th Session, 2009-2010

**A155, R181, S196**

**STATUS INFORMATION**

General Bill

Sponsors: Senator McConnell

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Introduced in the Senate on January 13, 2009

Introduced in the House on April 22, 2009

Passed by the General Assembly on April 21, 2010

Became law without Governor's signature, May 13, 2010

Summary: Gas

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/17/2008 Senate Prefiled

 12/17/2008 Senate Referred to Committee on **Judiciary**

 1/13/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C01-13-09.docx)‑162

 1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C01-13-09.docx)‑162

 1/23/2009 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

 4/2/2009 Senate Polled out of committee **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-02-09.docx)‑6

 4/2/2009 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-02-09.docx)‑6

 4/6/2009 Scrivener's error corrected

 4/15/2009 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-15-09.docx)‑19

 4/15/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-15-09.docx)‑19

 4/16/2009 Scrivener's error corrected

 4/21/2009 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-21-09.docx)‑18

 4/22/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-22-09.docx)‑16

 4/22/2009 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-22-09.docx)‑16

 3/24/2010 House Committee report: Favorable **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-24-10.docx)‑31

 4/20/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-20-10.docx)‑21

 4/21/2010 House Read third time and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-21-10.docx)‑13

 5/6/2010 Ratified R 181

 5/13/2010 Became law without Governor's signature

 5/21/2010 Effective date See Act for Effective Date

 5/25/2010 Act No. 155

**VERSIONS OF THIS BILL**

[12/17/2008](file:///p%3A%5Cpprever%5C2009-10%5C196_20081217.docx)

[4/2/2009](file:///p%3A%5Cpprever%5C2009-10%5C196_20090402.docx)

[4/6/2009](file:///p%3A%5Cpprever%5C2009-10%5C196_20090406.docx)

[4/15/2009](file:///p%3A%5Cpprever%5C2009-10%5C196_20090415.docx)

[4/16/2009](file:///p%3A%5Cpprever%5C2009-10%5C196_20090416.docx)

[3/24/2010](file:///p%3A%5Cpprever%5C2009-10%5C196_20100324.docx)

(A155, R181, S196)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑3‑690 SO AS TO PROVIDE A LIQUEFIED PETROLEUM GAS DEALER IS IMMUNE FROM CIVIL LIABILITY FOR AN INJURY OR DAMAGE PROXIMATELY CAUSED BY A LIQUEFIED PETROLEUM GAS SYSTEM OR GAS BURNING APPLIANCE IN CERTAIN CIRCUMSTANCES, TO PROVIDE CERTAIN DEFINITIONS, AND TO LIMIT APPLICABILITY OF THE SECTION; AND TO AMEND SECTION 40‑82‑270, RELATING TO THE REQUIREMENT TO NOTIFY A PROPANE SUPPLIER BEFORE BEGINNING WORK ON A SYSTEM SUPPLIED BY A LIQUEFIED PETROLEUM GAS SUPPLIER, SO AS TO PROVIDE A CONSUMER, OWNER, END USER, OR PERSON WHO ALTERS OR MODIFIES HIS LIQUEFIED PETROLEUM GAS EQUIPMENT, GAS BURNING APPLIANCE, OR SYSTEM INSTALLED BY A LICENSED DEALER MUST NOTIFY THE LICENSED DEALER WHO NEXT FILLS OR OTHERWISE SERVICES HIS LIQUEFIED PETROLEUM GAS SYSTEM THAT THIS WORK HAS BEEN PERFORMED, TO PROVIDE THE LICENSED DEALER MUST NOTIFY THEIR CUSTOMERS IN WRITING AT LEAST ONCE ANNUALLY OF THE CUSTOMER’S STATUTORY OBLIGATION OF NOTIFICATION IN REGARD TO MODIFICATIONS TO THEIR PROPANE APPLIANCES OR SYSTEMS, AND TO PROVIDE THIS NOTICE TO CUSTOMERS SHOULD BE PROVIDED IN A SEPARATE AND DISTINCT DISCLOSURE AND NOT A PART OF OTHER SAFETY LITERATURE GIVEN TO CUSTOMERS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Immunity from civil liability for liquefied petroleum gas dealers, definitions, scope**

SECTION 1. Chapter 3, Title 15 of the 1976 Code is amended by adding:

 “Section 15‑3‑690. (A) As used in this subsection, the following definitions apply:

 (1) ‘System’ or ‘systems’ means assembly of equipment consisting of the container and any device that is connected to the container for the utilization of liquefied petroleum gas.

 (2) ‘Dealer’ means a person engaging in the installation of liquefied petroleum gas systems or in the manufacture, distribution, sale, storing, or transporting by tank truck, tank trailer, or container of liquefied petroleum gases or engaging in installing, servicing, repairing, adjusting, disconnecting, or connecting appliances to liquefied petroleum gas systems and containers.

 (3) ‘Liquefied petroleum gas’ means material composed predominately of hydrocarbons or mixtures of hydrocarbons, including propane, propylene, butanes (normal butane or isobutane), and butylenes.

 (B) A liquefied petroleum gas dealer shall be immune from civil liability if the proximate cause of the injury or damage was:

 (1) an alteration, modification, or repair of the liquefied petroleum gas system or gas burning appliance that could not have been discovered by the liquefied petroleum gas dealer in the exercise of reasonable care; or

 (2) the use of the liquefied petroleum gas system or gas burning appliance in a manner or for a purpose other than that for which the liquid petroleum gas system or gas burning appliance was intended to be used or for which could reasonably have been foreseen, provided that the liquefied petroleum gas dealer or the manufacturer of the liquefied petroleum gas system or gas burning appliance took reasonable steps to warn the ultimate consumer of the hazards associated with foreseeable misuses of the liquefied petroleum gas system or gas burning appliance.

 (C) Nothing in this subsection shall be construed as affecting, modifying, or eliminating the liability of a manufacturer of the liquefied petroleum gas system or gas burning appliance, or its employees or agents from any other legal claim, including, but not limited to, product liability claims.

 (D) Nothing in this subsection shall apply to a cylinder exchange company as defined pursuant to Section 40‑82‑20(3) or a reseller as defined pursuant to Section 40‑82‑20(7).”

**Notifying propane supplier concerning certain work on system, notice to customers of statutory obligations, form of notice to customers**

SECTION 2. Section 40‑82‑270 of the 1976 Code is amended to read:

 “Section 40‑82‑270. (1) An installer or service worker shall notify the supplier of propane before beginning any work on the system supplied by a liquefied petroleum gas supplier. If more than one liquefied petroleum gas supplier has supplied gas to the container of the system, the last supplier of liquefied petroleum gas must be notified before any work is performed on the system.

 (2) Any consumer, owner, end user, or person who alters or modifies in any way his liquefied petroleum gas equipment, gas burning appliance, or system installed by a licensed dealer shall, for informational purposes, notify the licensed dealer who next fills or otherwise services his liquefied petroleum gas system that such work has been performed. The licensed dealer shall notify their customers in writing at least once per year of the customer’s statutory obligation of notification in regard to modifications to their propane appliances or systems. This notice should be provided in a separate and distinct disclosure and not a part of other safety literature given to customers.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor, and applies to any cause of action arising on or after the effective date.

Ratified the 6th day of May, 2010.

Became law without the signature of the Governor -- 5/13/2010.

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