

By: Senator(s) Cuevas

To: Judiciary, Division A

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2859

1 AN ACT TO AMEND SECTION 75-57-47, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE CERTAIN LIMITATIONS OF LIABILITY TO PERSONS OTHER THAN  
3 CONSUMERS WHO WORK WITH LIQUEFIED PETROLEUM GAS; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 75-57-47, Mississippi Code of 1972, is  
7 amended as follows:

8 75-57-47. (1) From and after the effective date of this  
9 chapter, any installer or other person who shall install, connect,  
10 alter, extend, change or repair any liquefied compressed gas or  
11 compressed natural gas system, container or appliance whatsoever,  
12 or who shall install, connect, change, extend, alter or repair any  
13 piping or fitting connected with or attached to any liquefied  
14 compressed gas or compressed natural gas container, system or  
15 appliance shall, within fifteen (15) days after the completion  
16 thereof, give notice to the State Liquefied Compressed Gas Board,  
17 in writing, on forms to be provided by the State Liquefied  
18 Compressed Gas Board, that such installation, connection,  
19 alteration, extension, change or repair has been made, which  
20 notice shall give full details with reference thereto, and shall  
21 give the name of the person at whose order same was made, and the  
22 name of the installer, as provided in this chapter, under whose  
23 supervision the installation, alteration, etc., was made and the  
24 address of the premises upon which same was made. Any person who  
25 shall install, connect, alter, extend, change or repair any  
26 liquefied compressed gas or compressed natural gas system,  
27 container or appliance, or any piping or fitting connected or  
28 attached thereto, without giving notice to the State Liquefied

29 Compressed Gas Board as provided herein shall be subject to the  
30 sanctions set out in this chapter.

31 (2) Upon receiving notice of any installation of a liquefied  
32 compressed gas system or natural gas fueling system other than a  
33 liquefied petroleum gas carburetion system, it shall be at the  
34 discretion of the Commissioner of Insurance to cause same to be  
35 inspected, and if he or she approves same after such inspection,  
36 he or she shall leave upon such premises a written certificate of  
37 approval. Upon receiving notice of any connection, alteration,  
38 extension, change or repair to any system required to be inspected  
39 at the time of installation under the provisions of this  
40 subsection, the Commissioner of Insurance may cause the system to  
41 be inspected if he or she believes that sufficient change or  
42 repair has been made so as to alter the system from its original  
43 installation.

44 If, after such inspection, the inspector finds that the  
45 installation or repair has not been properly made, he or she shall  
46 report such fact to the distributor or installer making the  
47 installation and request that corrections be made within  
48 seventy-two (72) hours after the time of such inspection, if the  
49 defects are such that can be corrected without the necessity of  
50 condemning the entire system. Any distributor or installer who  
51 fails or refuses to make the corrections after requested so to do  
52 by the inspector, after a hearing before the State Liquefied  
53 Compressed Gas Board, may have his authority or certificate of  
54 compliance suspended or revoked.

55 Installers, as defined in this chapter, are hereby authorized  
56 to issue temporary certificates of approval for use before  
57 inspection by the Commissioner of Insurance, but no certificate  
58 issued by an installer shall be valid for a period longer than one  
59 hundred twenty (120) days from date of completion or alteration,  
60 repair or installation covered by said certificate. The  
61 provisions of this paragraph shall not relieve the dealer, or

62 other person, from the liability of having such installation  
63 inspected by the Commissioner of Insurance, as provided in this  
64 chapter.

65 All certificates of approval and permits issued by liquefied  
66 gas inspectors under the terms of this section shall be executed  
67 in duplicate, and the copy thereof shall be filed and preserved in  
68 the office of the State Liquefied Compressed Gas Board for not  
69 less than three (3) years from the date thereof.

70 (3) All liquefied petroleum gas carburetion systems and  
71 natural gas carburetion systems shall be installed by an  
72 installer, or automobile manufacturer, or be inspected by a  
73 representative of the State Liquefied Compressed Gas Board or  
74 Commissioner of Insurance when not installed by such qualified  
75 installer or manufacturer.

76 All liquefied petroleum or natural gas carburetion systems  
77 installed on vehicles, including school buses, used in public  
78 transportation shall be inspected by a field inspector. The State  
79 Liquefied Compressed Gas Board may cause to be inspected any  
80 installations of liquefied petroleum gas or natural gas  
81 carburetion systems on any other type vehicles as they deem  
82 necessary. All such installations shall comply with the rules and  
83 regulations promulgated by the State Liquefied Compressed Gas  
84 Board.

85 No person may, for a fee, install liquefied petroleum or  
86 natural gas carburetion systems unless such person holds a license  
87 as an installer issued by the State Liquefied Compressed Gas  
88 Board.

89 Any person who operates a vehicle on which a liquefied  
90 petroleum or natural gas carburetion system has been installed by  
91 a person other than an installer shall apply to the State  
92 Liquefied Compressed Gas Board for inspection of such installation  
93 within fifteen (15) days of such installation. No distributor of  
94 liquefied petroleum or natural gas, or any other person, shall

95 fill or cause to be filled any such system which has not been  
96 inspected as required by this chapter.

97 Any person who violates any of the provisions of this  
98 subsection shall be subject to the penalties provided in this  
99 chapter.

100 (4) No distributor of liquefied compressed gas, or other  
101 person, shall fill, cause to be filled, or permit to be filled,  
102 any container or system unless the installation, alteration,  
103 extension, connection, change and repair thereof, and of all  
104 appliances connected and used therewith, and of all pipings and  
105 fittings connected or attached thereto, shall have first been  
106 inspected and approved by an inspector of the State Liquefied  
107 Compressed Gas Board or Commissioner of Insurance or installed or  
108 altered by an installer as described in this chapter, and unless  
109 there is exhibited to such distributor or other person the  
110 approval of the inspector or installer provided for in the  
111 foregoing paragraphs; nor shall any person turn on or use such  
112 systems, containers, appliances, piping or fittings until same  
113 have been so inspected and approved, and such approval is  
114 exhibited to him. Any person who shall violate the provisions of  
115 this subsection, after a duly called hearing before the State  
116 Liquefied Compressed Gas Board, may have his license suspended or  
117 revoked.

118 (5) Any liquefied compressed gas dealer, or other person,  
119 may apply to the State Liquefied Compressed Gas Board, for  
120 permission to take an examination to qualify as an installer, as  
121 defined under the provisions of this chapter. The State Liquefied  
122 Compressed Gas Board shall prepare an examination which is  
123 sufficient to test the knowledge of the applicant as to his  
124 qualifications for installing, repairing, altering, etc.,  
125 equipment used in the handling of liquefied compressed gases and  
126 of his knowledge of the handling and storage of such gases. If,  
127 after examination, the applicant is found to be competent and to

128 possess sufficient qualifications, the State Liquefied Compressed  
129 Gas Board shall issue to such applicant a license or certificate  
130 which shall designate the system or systems which the applicant is  
131 qualified to install. The State Liquefied Compressed Gas Board  
132 shall have the authority to establish different classes of  
133 installers. Should the holder of any such certificate perform his  
134 duties in an unworkmanlike manner or be guilty of negligence,  
135 carelessness, drunkenness on duty, or other good cause, then the  
136 State Liquefied Compressed Gas Board may cancel the certificate,  
137 good cause being shown; however, before the State Liquefied  
138 Compressed Gas Board shall cancel any such certificate it shall  
139 give the holder thereof five (5) days' written notice of its  
140 intention so to do, and shall grant to the person holding such  
141 certificate an opportunity to be heard before the State Liquefied  
142 Compressed Gas Board at such time and place as shall be fixed in  
143 such notice, to show cause, if any he or she can, why the license  
144 or certificate should not be suspended or revoked. Upon  
145 application to the State Liquefied Compressed Gas Board, and upon  
146 reexamination of the applicant by the State Liquefied Compressed  
147 Gas Board, a new certificate may be issued, but no such renewal  
148 certificate shall be issued within sixty (60) days of the  
149 cancellation of the original certificate. The State Liquefied  
150 Compressed Gas Board shall have authority to conduct any type  
151 examination of applicants desiring renewal certificates which  
152 will, in its opinion, test applicant's qualifications for the  
153 issuance of a renewal certificate. Any installer's certificates  
154 heretofore issued and outstanding shall be valid until suspended  
155 or revoked.

156 (6) Any dealer or installer who shall alter or change any  
157 system, or bulk storage plant system, or who shall substitute or  
158 change any such fitting, after said system has been approved by an  
159 inspector of the Commissioner of Insurance, without first  
160 obtaining the permission of such an inspector so to do, may be

161 enjoined from continuing in the business of a dealer or installer,  
162 as defined in this chapter, in the State of Mississippi for a  
163 period of not less than one (1) year, and any judge or chancellor  
164 authorized to grant injunctions may grant and issue the injunction  
165 herein authorized, but no such injunction shall be issued except  
166 upon notice of not less than five (5) days to the dealer or  
167 installer sought to be enjoined. It is expressly provided,  
168 however, that nothing herein shall prevent a dealer or an  
169 installer from making additional installations to any such system,  
170 provided that proper notice thereof is given to the Commissioner  
171 of Insurance on forms provided by him or her in the same manner as  
172 such notice is required to be given in cases of installations,  
173 repairs and alterations; nor shall anything herein prevent a  
174 dealer or an installer from making emergency repairs to any system  
175 or fitting when such repairs are made necessary by a mechanical  
176 defect, breakdown or injury to such system or fitting, but in the  
177 event of such emergency repairs, the dealer or installer making  
178 same shall, within fifteen (15) days after making such repairs,  
179 give the Commissioner of Insurance notice of the details and facts  
180 thereof in writing.

181 (7) (a) No legal action shall be commenced or maintained  
182 against any person engaged in this state in the business of  
183 selling at retail, supplying, handling or transporting liquefied  
184 petroleum gas or related equipment if the alleged injury, damage  
185 or loss was caused by:

186 (i) The alteration, modification or repair of  
187 liquefied petroleum gas equipment or a liquefied petroleum gas  
188 appliance if the alteration, modification or repair was done  
189 without the knowledge and consent of the liquefied petroleum gas  
190 seller, supplier, handler or transporter by a person other than  
191 the seller, supplier, handler or transporter, and the seller,  
192 supplier, handler or transporter had no knowledge of the

193 alteration, modification or repair having been done at the time of  
194 the alleged injury, damage or loss; or

195 (ii) The use of liquefied petroleum gas equipment  
196 or a liquefied petroleum gas appliance in a manner or for a  
197 purpose other than that for which the equipment or appliance was  
198 intended and that could not reasonably have been expected.

199 (b) A person who follows the applicable procedures  
200 established by the standards of the National Fire Code as adopted  
201 by the board and rules promulgated pursuant to this chapter shall  
202 not be deemed to be grossly negligent or willful and wanton, and  
203 shall not be subject to punitive or other exemplary damages for  
204 any act or omission which is covered by the National Fire Code.

205 **SECTION 2.** This act shall take effect and be in force from  
206 and after its passage.