

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.