

SUBSTITUTE FOR
HOUSE BILL NO. 4859

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.

1 (C) RULES PROMULGATED UNDER THE STILLE-DEROSSETT-HALE SINGLE
2 STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1501 TO 125.1531.

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

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

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

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

18 (2) 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,
21 HANDLING, OR TRANSPORTING LIQUEFIED PETROLEUM GAS.

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

24 Enacting section 1. This amendatory act takes effect July
25 1, 2012.