

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 152

**SENATE BILL 1106**

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-717; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 12, chapter 6, article 12, Arizona Revised Statutes,  
3 is amended by adding section 12-717, to read:  
4 12-717. Liquefied petroleum gas provider; liability;  
5 affirmative defense; definitions  
6 A. IN ANY CIVIL ACTION AGAINST A LIQUEFIED PETROLEUM GAS PROVIDER FOR  
7 CIVIL OR OTHER DAMAGES, THE LIQUEFIED PETROLEUM GAS PROVIDER IS LIABLE ONLY  
8 FOR THE AMOUNT OF DAMAGES THAT ARE IN PROPORTION TO THE LIQUEFIED PETROLEUM  
9 GAS PROVIDER'S PERCENTAGE OF FAULT AND IS NOT LIABLE FOR THE AMOUNT OF  
10 DAMAGES ALLOCATED TO FAULT ATTRIBUTED TO EITHER:  
11 1. AN ALTERATION OR MODIFICATION OF LIQUEFIED PETROLEUM GAS EQUIPMENT  
12 THAT WAS NOT REASONABLY FORESEEABLE, THAT WAS MADE BY A PERSON OTHER THAN THE  
13 LIQUEFIED PETROLEUM GAS PROVIDER AND THAT COULD NOT HAVE BEEN DISCOVERED BY  
14 THE LIQUEFIED PETROLEUM GAS PROVIDER IN THE EXERCISE OF REASONABLE CARE.  
15 2. THE USE OF LIQUEFIED PETROLEUM GAS EQUIPMENT IN A MANNER OR FOR A  
16 PURPOSE OTHER THAN THAT FOR WHICH THE LIQUEFIED PETROLEUM GAS EQUIPMENT WAS  
17 INTENDED TO BE USED OR COULD REASONABLY HAVE BEEN FORESEEN TO BE USED, IF THE  
18 LIQUEFIED PETROLEUM GAS PROVIDER OR THE LIQUEFIED PETROLEUM GAS EQUIPMENT  
19 MANUFACTURER HAS TAKEN REASONABLE STEPS TO WARN THE ULTIMATE CONSUMER OF THE  
20 HAZARDS ASSOCIATED WITH FORESEEABLE MISUSES OF THE GAS EQUIPMENT.  
21 B. THIS SECTION DOES NOT AFFECT, MODIFY OR ELIMINATE THE LIABILITY OF  
22 A LIQUEFIED PETROLEUM GAS EQUIPMENT MANUFACTURER OR ITS EMPLOYEES OR AGENTS  
23 UNDER ANY LEGAL CLAIM, INCLUDING PRODUCT LIABILITY CLAIMS.  
24 C. FOR THE PURPOSES OF THIS SECTION:  
25 1. "LIQUEFIED PETROLEUM GAS EQUIPMENT" MEANS A LIQUEFIED PETROLEUM GAS  
26 APPLIANCE OR OTHER LIQUEFIED PETROLEUM GAS EQUIPMENT.  
27 2. "LIQUEFIED PETROLEUM GAS PROVIDER" MEANS ANY PERSON OR ENTITY  
28 ENGAGED IN THE BUSINESS OF SUPPLYING, HANDLING, TRANSPORTING OR SELLING AT  
29 RETAIL LIQUEFIED PETROLEUM GAS, BUT DOES NOT INCLUDE A LIQUEFIED PETROLEUM  
30 GAS EQUIPMENT MANUFACTURER.  
APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.

Passed the House April 9, 20 07,

by the following vote: 53 Ayes,

2 Nays, 5 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 13, 20 07,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20 \_\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

S.B. 1106

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 25, 20 07

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

Timothy S. Bee  
President of the Senate

Charmian Bellisford  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

25th day of April, 2007

at 11:57 o'clock a. M.

Winnifer Ybarra  
Secretary to the Governor

Approved this 1 day of

May 2007

at 1:30 o'clock P. M.

Jon Kyl  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 1<sup>st</sup> day of MAY, 20 07

S.B. 1106

at 4:30 o'clock P. M.

Janice K. Brewer  
Secretary of State