

SENATE BILL No. 361

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-31-11.

Synopsis: Defense to liability concerning propane suppliers. Provides that the seller, supplier, handler, or transporter of liquefied petroleum gas that was used in: (1) liquefied petroleum gas equipment; or (2) a liquefied petroleum gas appliance; involved in causing bodily injury or property damage has an affirmative defense in any action brought against the seller, supplier, handler, or transporter if a person assumed the risk of causing the bodily injury or property damage because of certain actions taken by the person in altering, modifying, repairing, or using the equipment or appliance.

Effective: July 1, 2015.

Messmer

January 8, 2015, read first time and referred to Committee on Civil Law.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 361

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-31-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:
4 **Chapter 11. Defenses Related to Liquefied Petroleum Gas**
5 **Sec. 1. This chapter applies only to a cause of action that accrues**
6 **after June 30, 2015.**
7 **Sec. 2. If:**
8 **(1) a person:**
9 **(A) alters, modifies, or repairs:**
10 **(i) liquefied petroleum gas equipment; or**
11 **(ii) a liquefied petroleum gas appliance;**
12 **without the knowledge and consent of the seller, supplier,**
13 **handler, or transporter of the liquefied petroleum gas used**
14 **in the equipment or appliance; or**
15 **(B) uses the:**
16 **(i) liquefied petroleum gas equipment; or**



1 (ii) liquefied petroleum gas appliance;
2 in a manner or for a purpose other than that for which the
3 equipment or appliance was reasonably intended; and
4 (2) the person or another person suffers bodily injury or
5 property damage because of an action taken by the person as
6 described in subdivision (1)(A) or (1)(B);
7 the person is considered to have assumed the risk of causing the
8 bodily injury or property damage because of the action taken by
9 the person under subdivision (1)(A) or (1)(B).
10 Sec. 3. The seller, supplier, handler, or transporter of liquefied
11 petroleum gas that was used in:
12 (1) liquefied petroleum gas equipment; or
13 (2) a liquefied petroleum gas appliance;
14 involved in causing bodily injury or property damage described in
15 section 2(2) of this chapter has an affirmative defense in any action
16 brought against the seller, supplier, handler, or transporter if a
17 person assumed the risk of causing the bodily injury or property
18 damage described in section 2(2) of this chapter because of an
19 action taken by the person under section 2(1)(A) or 2(1)(B) of this
20 chapter.

