

## CHAPTER 193

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**LABOR AND INDUSTRY**

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**HOUSE BILL 04-1145**

BY REPRESENTATIVE(S) Larson, Brophy, Hodge, Rippy, Rose, Briggs, Miller, Harvey, Crane, Hoppe, Mitchell, and Weddig;  
also SENATOR(S) Hillman, Teck, Chlouber, Entz, Johnson S., Kester, Owen, Takis, Evans, and Isgar.

**AN ACT****CONCERNING A LIMITATION OF LIABILITY FOR PERSONS OTHER THAN CONSUMERS WHO WORK WITH LIQUEFIED PETROLEUM GAS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Part 4 of article 20 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**8-20-415. Liability limited.** (1) NO LEGAL ACTION SHALL BE COMMENCED OR MAINTAINED AGAINST ANY PERSON ENGAGED IN THIS STATE IN THE BUSINESS OF SELLING AT RETAIL, SUPPLYING, HANDLING, OR TRANSPORTING LIQUEFIED PETROLEUM GAS IF THE ALLEGED INJURY, DAMAGE, OR LOSS WAS CAUSED BY:

(a) THE ALTERATION, MODIFICATION, OR REPAIR OF LIQUEFIED PETROLEUM GAS EQUIPMENT OR A LIQUEFIED PETROLEUM GAS APPLIANCE IF THE ALTERATION, MODIFICATION, OR REPAIR WAS DONE WITHOUT THE KNOWLEDGE AND CONSENT OF THE LIQUEFIED PETROLEUM GAS SELLER, SUPPLIER, HANDLER, OR TRANSPORTER; OR

(b) THE USE OF LIQUEFIED PETROLEUM GAS EQUIPMENT OR A LIQUEFIED PETROLEUM GAS APPLIANCE IN A MANNER OR FOR A PURPOSE OTHER THAN THAT FOR WHICH THE EQUIPMENT OR APPLIANCE WAS INTENDED AND THAT COULD NOT REASONABLY HAVE BEEN EXPECTED.

(2) A PERSON WHO FOLLOWS THE APPLICABLE PROCEDURES ESTABLISHED BY THE STANDARDS OF THE NATIONAL FIRE CODE PURSUANT TO SECTION 8-20-405 AS ADOPTED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY AND RULES PROMULGATED PURSUANT TO SECTION 8-20-402 SHALL NOT BE DEEMED TO BE GROSSLY NEGLIGENT OR WILLFUL AND WANTON.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act.

Approved: April 23, 2004