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SENATE BILL 237

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Carroll H. Leavell

AN ACT

RELATING TO LIQUIFIED PETROLEUM GASES; ENACTING A SECTION OF
THE LPG AND CNG ACT PERTAINING TO RESPONSIBILITIES AND
LIABILITY OF DISTRIBUTORS OF LIQUIFIED PETROLEUM GASES FOR
GAS DISTRIBUTION EQUIPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the LPG and CNG Act is
enacted to read:

"[NEW MATERIAL] GAS DISTRIBUTION EQUIPMENT--
RESPONSIBILITIES--DISTRIBUTOR LIABILITY.--

A. A distributor shall operate and maintain in
safe, efficient and proper condition all of its gas
distribution equipment up to and including the point of
delivery into the piping owned by the consumer. Unless
otherwise agreed in writing by the distributor and the
consumer, the point of delivery shall be at the outflow side

underscored material = new
~~[bracketed material] = delete~~

1 of the first stage regulator.

2 B. A consumer shall operate and maintain in safe,
3 efficient and proper condition all gas distribution equipment
4 that is not the responsibility of a distributor under
5 Subsection A of this section.

6 C. A distributor who is found to be in compliance
7 with Subsection A of this section is not liable for harm that
8 is proximately caused by a defect, malfunction or improper
9 operation of a liquified petroleum gas system owned or
10 operated by or under the control of another person if:

11 (1) the distributor had no control over
12 operation of the liquified petroleum gas system; and

13 (2) the distributor was not responsible for
14 inspecting, repairing or replacing the liquified petroleum
15 gas system pursuant to a written agreement.

16 D. As used in this section:

17 (1) "consumer" means any person or entity
18 who purchases liquefied petroleum gases from a distributor;

19 (2) "distributor" means any person or entity
20 engaged in the sale, marketing or distribution of liquefied
21 petroleum gases; and

22 (3) "gas distribution equipment" means any
23 containers, regulators, piping, valves, controls or
24 appliances used or intended for use for the storage,
25 distribution or use of liquefied petroleum gases."