

SENATE BILL 997

C5

71r3376

By: **Senators Stone, DeGrange, Della, Kasemeyer, Klausmeier, McFadden, and Zirkin**

Introduced and read first time: March 5, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Liquefied Natural Gas and Liquefied Petroleum Gas – Liability**

3 FOR the purpose of establishing the liability for a person that stores, transports, or
4 converts liquefied natural gas or liquefied petroleum gas in the State; providing
5 that a person's liability may not be limited by certain actions or conditions;
6 providing for immunity for a person that is called to assist or advise during a
7 certain emergency under certain circumstances; defining certain terms;
8 providing for the application of this Act; and generally relating to storing,
9 transporting, or converting liquefied natural gas and liquefied petroleum gas in
10 the State.

11 BY repealing and reenacting, without amendments,
12 Article – Public Utility Companies
13 Section 11–101(a) and (b)
14 Annotated Code of Maryland
15 (1998 Volume and 2006 Supplement)

16 BY adding to
17 Article – Public Utility Companies
18 Section 11–103
19 Annotated Code of Maryland
20 (1998 Volume and 2006 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Utility Companies

11–101.

(a) (1) In this section the following words have the meanings indicated.

(2) “Liquefied natural gas” means natural gas cooled to form a liquid at approximately atmospheric pressure.

(3) “Liquefied natural gas facility” means any facility used to produce, store, or regasify liquefied natural gas.

(b) The Commission shall adopt regulations to ensure to the greatest extent practicable the operational safety of liquefied natural gas facilities.

11–103.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LIQUEFIED NATURAL GAS” HAS THE MEANING STATED IN § 11–101 OF THIS SUBTITLE.

(3) “LIQUEFIED PETROLEUM GAS” MEANS ANY MATERIAL THAT IS COMPOSED PREDOMINATELY OF ANY OF THE FOLLOWING HYDROCARBONS OR MIXTURES OF THEM:

(I) PROPANE;

(II) PROPYLENE;

(III) NORMAL BUTANE;

(IV) ISOBUTANE; OR

(V) BUTYLENES.

(B) THIS SECTION APPLIES TO A PERSON THAT STORES, TRANSPORTS, OR CONVERTS LIQUEFIED NATURAL GAS OR LIQUEFIED PETROLEUM GAS IN THE STATE.

1 (C) (1) A PERSON SHALL BE STRICTLY LIABLE FOR PERSONAL OR
2 PROPERTY DAMAGE THAT RESULTS FROM A RELEASE OF LIQUEFIED NATURAL
3 GAS OR LIQUEFIED PETROLEUM GAS IN THE STATE.

4 (2) THE FOLLOWING MAY NOT RELIEVE A PERSON'S LIABILITY
5 UNDER PARAGRAPH (1) OF THIS SUBSECTION:

6 (I) A PERSON'S COMPLIANCE WITH ANY LAWS OR
7 REGULATIONS REGARDING SAFE HANDLING OF LIQUEFIED NATURAL GAS OR
8 LIQUEFIED PETROLEUM GAS;

9 (II) A PERSON'S EXERCISE OF DUE CARE IN THE HANDLING
10 OF LIQUEFIED NATURAL GAS OR LIQUEFIED PETROLEUM GAS;

11 (III) ANY PROOF OF THE MEANS OF IGNITION IN THE CASE OF
12 A FIRE OR EXPLOSION;

13 (IV) ANY DISTINCTIONS MADE BETWEEN DIRECT AND
14 CONSEQUENTIAL DAMAGES; OR

15 (V) ANY DETERMINATIONS OF INTENT OR NEGLIGENCE.

16 (D) A PERSON THAT IS CALLED FOR ASSISTANCE IN AN EMERGENCY
17 DUE TO A RELEASE OF LIQUEFIED NATURAL GAS OR LIQUEFIED PETROLEUM
18 GAS HAS THE IMMUNITY FROM CIVIL LIABILITY DESCRIBED UNDER § 5-617(B)
19 OF THE COURTS ARTICLE AS A RESULT OF ASSISTANCE OR ADVICE RENDERED
20 IN THE EMERGENCY.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2007.