

CHAPTER 148

(HB 440)

AN ACT relating to gas delivery systems and appliances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 234.175 is amended to read as follows:

- (1) Domestic and commercial gas-consuming equipment and appliances shall not be installed unless their correctness as to design, construction, and performance is certified by:
 - (a) A nationally recognized testing agency adequately equipped and competent to perform such services evidenced by the attachment of its seal or label to such gas appliances. This agency shall be one which maintains a program of national inspection of production models of gas appliances, at least once each year on the manufacturer's premises;
 - (b) By the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol or approval seal to gas appliances and a certificate or letter certifying approval under the above-mentioned requirements, or listing by Underwriters' Laboratories, Inc., shall be considered as constituting compliance with the provisions of this section, providing, that the manufacturer has approval and certification of same from the Department of Housing, Buildings and Construction.
- (2) Equipment not subject to A.G.A. or laboratory inspection must have approval of the department of housing, buildings and construction.
- (3) ***A person shall not install gas-consuming appliances, equipment, or other components of a gas delivery system unless the installation is made in accordance with the instructions of the manufacturer of the appliance, equipment, or component and in compliance with the applicable administrative regulations promulgated by the Department of Housing, Buildings and Construction.***
- (4) ***A person shall not alter, modify, maintain, or repair gas-consuming appliances, equipment, or other components of a gas delivery system unless the alteration, modification, maintenance, or repair is made in accordance with the instructions of the manufacturer of the appliance, equipment, or component and in compliance with the applicable administrative regulations promulgated by the Department of Housing, Buildings and Construction.***
- (5) ***A person licensed under this chapter or an agent or employee of the person shall not be liable for civil damages for injury to persons or property that result from the installation, alteration, modification, maintenance, or repair of a gas-consuming appliance, equipment, or component by a person other than the licensee or the licensee's agent or employee.***
- (6) (a) ***Except as provided in paragraph (b) of this subsection, a person licensed under this chapter or the licensee's agent or employee who provides gas to an end user shall not be liable for civil damages for injury to persons or property that result from the installation, alteration, modification, maintenance, or repair of the gas-consuming appliance, equipment, or component if the installation, alteration, modification, maintenance, or repair is done without the actual knowledge and consent of the licensee or the licensee's agent or employee.***

- (b) *A person licensed under this chapter or his or her agent or employee shall not be exempt from liability for civil damages under paragraph (a) of this subsection if the person or his or her agent or employee is negligent or acts intentionally, and the negligence or intentional act causes or partially causes injury or damage.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of law to the contrary, upon application by a regulated utility, the commission may allow recovery of costs for investment in natural gas pipeline replacement programs which are not recovered in the existing rates of a regulated utility. No recovery shall be allowed unless the costs shall have been deemed by the commission to be fair, just, and reasonable.

Approved March 18, 2005.