

REFERENCE TITLE: liquefied petroleum gas; emergencies; liability

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2470

Introduced by
Representatives Gowan, Stevens, Vogt: Senator Antenori

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-718; AMENDING SECTION 12-982, ARIZONA REVISED STATUTES; RELATING TO LIQUEFIED PETROLEUM GAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, article 12, Arizona Revised Statutes,
3 is amended by adding section 12-718, to read:

4 12-718. Emergency aid involving liquefied petroleum gas:
5 exemption from civil liability

6 A. A PERSON WHO HAS KNOWLEDGE AND TRAINING IN THE STORAGE, HANDLING,
7 TRANSPORTATION, OPERATION AND UTILIZATION OF LIQUEFIED PETROLEUM GAS IS NOT
8 LIABLE IN ANY CIVIL ACTION FOR ANY DAMAGES THAT OCCUR AS A RESULT OF
9 PROVIDING ASSISTANCE WITHOUT REMUNERATION, ON THE REQUEST OF ANY PEACE
10 OFFICER, FIRE COMPANY OR DEPARTMENT, FIRST AID, RESCUE OR EMERGENCY SQUAD OR
11 OTHER GOVERNMENTAL AGENCY OR ENTITY, IN AN ACCIDENT OR OTHER EMERGENCY
12 SITUATION THAT INVOLVES THE USE, HANDLING, TRANSPORTATION, TRANSMISSION OR
13 STORAGE OF LIQUEFIED PETROLEUM GAS.

14 B. THIS SECTION DOES NOT APPLY TO A PERSON WHO CAUSES THE ACCIDENT OR
15 EMERGENCY SITUATION OR WHOSE WILFUL, WANTON OR GROSSLY NEGLIGENT ACT OR
16 OMISSION IN RESPONSE TO THE ACCIDENT OR EMERGENCY SITUATION CAUSES DAMAGE.

17 Sec. 2. Section 12-982, Arizona Revised Statutes, is amended to read:

18 12-982. Qualified immunity; insurance coverage

19 A. A volunteer is immune from civil liability in any action based on
20 an act or omission of a volunteer resulting in damage or injury if:

21 1. The volunteer acted in good faith and within the scope of the
22 volunteer's official functions and duties for a nonprofit corporation or
23 nonprofit organization, hospital or governmental entity.

24 2. The damage or injury was not caused by wilful, wanton or grossly
25 negligent misconduct by the volunteer.

26 B. Notwithstanding subsection A of this section, in any suit against a
27 nonprofit corporation or nonprofit organization, hospital or governmental
28 entity for civil damages based on the negligent act or omission of a
29 volunteer, proof that the act or omission was within the scope of the
30 volunteer's official functions and duties is sufficient to establish the
31 vicarious liability, if any, of the organization.

32 C. A motor vehicle liability policy, as defined in section 28-4001,
33 ~~which~~ THAT provides coverage to the operator of a motor vehicle is subject to
34 the following provisions ~~which~~ THAT need not be contained in the policy. The
35 liability of the insurance carrier with respect to the insured and any other
36 person using the vehicle with the express or implied permission of the
37 insured shall extend to provide excess coverage for:

38 1. A nonprofit corporation or nonprofit organization for the acts of
39 the operator in operating a motor vehicle at all times when the operator is
40 acting as a volunteer for that nonprofit corporation or nonprofit
41 organization.

42 2. ANY PERSON OPERATING A MOTOR VEHICLE AT ALL TIMES WHEN THE PERSON
43 IS PROVIDING ASSISTANCE, ON THE REQUEST OF ANY PEACE OFFICER, FIRE COMPANY OR
44 DEPARTMENT, FIRST AID, RESCUE OR EMERGENCY SQUAD OR OTHER GOVERNMENTAL AGENCY
45 OR ENTITY, IN AN ACCIDENT OR OTHER EMERGENCY SITUATION THAT INVOLVES THE USE,
46 HANDLING, TRANSPORTATION, TRANSMISSION OR STORAGE OF LIQUEFIED PETROLEUM GAS.