



## Profit at Any Cost? Customer Tanks with Wet-Lines

It's a little after lunch in the middle of August and you haven't sold a single gallon of gas all day. A local rancher calls and says that he needs more flexibility and freedom with the tank he uses to dry his grain. He wants you to install a wet-line. I am sure most of you have received this call or had this person walk into the office. Most of you have also probably either sold this item to a person or installed one for them. I want you to think about two things related to this type of practice and they are: do you know your liability, and is the profit worth the cost?

A wet-line or wet-leg is, basically, a liquid withdrawal or transfer connection that a customer can utilize to transfer liquid propane out of their "residential" tank. This transfer may be to a 20-pound barbecue cylinder or into a tank on a tractor or truck, into their recreational vehicle or any other myriad of uses the consumer finds necessary.

Many of you that are insured with my particular company and have met with any of my guys, should know full well that we talk about the significant liability associated with "non-owned" bottle filling operations or those operations that you provide propane and possibly equipment too, but are not operated by your employees and you have no responsibility for the employees that are filling the bottles.

The liability for these operations is significant and can be placed partially or squarely on your shoulders if you have not acted as required under the law. If you have any of these non-owned bottle-filling facilities, it is imperative that you provide initial and ongoing training and properly document the fact that you have done so.

If you extrapolate the potential liabilities that are associated with the non-owned bottle filling operation and compare them to the installation of a wet-line for a residential customer, you will note that under the law there will not be a significant difference in perceived liability as you have essentially done nothing more than established a non-owned bottle filling operation.

The local fire marshal or authority having jurisdiction might lump this in with similar retail liquid transfer operations and it will fall upon your shoulders to ensure that the installation is properly installed and operated under all regulatory statutes that apply to the transfer of liquid propane. This type of installation places you on a slippery slope and selling the wet-leg equipment or performing the installation without providing the proper training and documentation can leave you liable, just the same as providing a tank and equipment to the local hardware store for cylinder filling would.

*Thinking Ahead.*



In 2002, one of my Clients faced a situation very similar to this. A local rancher wanted to install a wet-leg and came into their office to inquire about one as he had heard of others that had them. The rancher told our Client that he had done this type of thing before and knew how to install the wet-line and not to worry about coming out and doing it for him. Our Client, without even considering the potential liability associated with this, sold him a liquid transfer line. The rancher then proceeded to install the wet-leg on his tank and instead of hooking the line to the liquid transfer withdrawal valve, the rancher unhooked the supply line that was fully open. As you can imagine, the release was immediate and the rancher received substantial burns on his hands and forearms that required skin grafts and extensive physical therapy.

The ranchers lawsuit alleged that he had no experience in installing this type of equipment and that our Client was negligent because they not only should have known that he didn't know how to do this, but that they should have never sold him the equipment or allowed him to install it on his own. The suit was finally settled in arbitration for just under \$200,000, and it all occurred because our Client did not provide due diligence under the regulations set forth in chapters five and seven of NFPA 58.

You, as a retail distributor, must rectify personally and professionally everything that you do within your business of selling propane to the public and you should specifically ask yourself if the revenue generated by selling a rancher or any other customer a wet-line is worth the liability.

Is ten, twenty or thirty dollars worth not knowing what the customer is doing with that equipment, if he actually knows how to install it and use it properly? Is it worth sitting in your office after lunch in August when the ranchers' attorney walks through the door and serves you with a notice that you are being sued for negligence?

Until Next Time, Stay Safe Out There!

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