

SENATE BILL 295

Introduced by Hager

1/31	Introduced
1/31	Referred to Natural Resources
2/01	Rereferred to Public Health, Welfare & Safety
2/03	Hearing
2/09	Committee Report--Bill Passed as Amended
2/11	2nd Reading Passed
2/14	3rd Reading Passed

Transmitted to House

2/21	Referred to Natural Resources
3/08	Hearing
3/14	Tabled in Committee

1 Sen. Hager BILL NO. 295  
2 INTRODUCED BY Hager  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE LIMITED  
5 CIVIL LIABILITY TO A PERSON WHO PROVIDES ADVICE, ASSISTANCE,  
6 OR ACTION IN RESPONSE TO AN ACTUAL OR THREATENED RELEASE OF  
7 A HAZARDOUS SUBSTANCE."  
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Limited civil liability. (1)

11 Except as provided in subsection (2), a person may not be  
12 subject to civil liability for:

13 (a) providing advice or assistance in mitigation or in  
14 an attempt to mitigate the effects of an actual or  
15 threatened release of a hazardous substance;

16 (b) preventing or attempting to prevent release of a  
17 hazardous substance;

18 (c) taking or attempting to take remedial action in  
19 response to an actual or threatened release of a hazardous  
20 substance; or

21 (d) providing assistance upon request of any police  
22 agency, fire department, rescue or emergency squad, or  
23 governmental agency in the event of an accident or other  
24 emergency involving the use, handling, transportation,  
25 transmission, or storage of a hazardous substance, when the

1 reasonably apparent circumstances require prompt decisions  
2 and actions.

3 (2) Exemption from civil liability does not apply to:

4 (a) a person whose act or omission caused, in whole or  
5 in part, the release of the hazardous substance and who  
6 would otherwise be liable;

7 (b) a person, other than an employee of a governmental  
8 agency, who receives compensation other than reimbursement  
9 for out-of-pocket expenses for the advice, assistance, or  
10 action; or

11 (c) a person whose misconduct is willful or who is  
12 grossly negligent in providing advice, assistance, or  
13 action.

14 NEW SECTION. Section 2. Codification instruction.

15 [Section 1] is intended to be codified as an integral part  
16 of Title 75, chapter 10, part 7, and the provisions of Title  
17 75 apply to [section 1].

-End-

RE-REFERRED AND  
APPROVED BY COMMITTEE  
ON PUBLIC HEALTH, WELFARE  
& SAFETY

SENATE BILL NO. 295

INTRODUCED BY HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE LIMITED  
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OR ACTION IN RESPONSE TO AN ACTUAL OR THREATENED RELEASE OF  
A HAZARDOUS SUBSTANCE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Limited civil liability. (1)

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subject to civil liability for:

(a) providing advice or assistance in mitigation or in  
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for out-of-pocket expenses for the advice, assistance, or  
action; or

(c) a person whose misconduct is willful or who is  
grossly negligent in providing advice, assistance, or  
action.

(3) FOR PURPOSES OF THIS SECTION, THE FOLLOWING  
DEFINITIONS APPLY:

(A) "HAZARDOUS SUBSTANCE" MEANS ANY MATERIAL OR  
SUBSTANCE THAT IS DESIGNATED AS HAZARDOUS BY STATE OR  
FEDERAL LAW, RULE, OR REGULATION.

(B) "RELEASE" MEANS ANY SPILL, LEAKAGE, SEEPAGE, OR  
OTHER EMISSION OF A HAZARDOUS SUBSTANCE.

(C) "REMEDIAL ACTION" INCLUDES THE INVESTIGATION,  
MONITORING, CLEANUP, RESTORATION, ABATEMENT, REMOVAL,  
REPLACEMENT, OR OTHER ACTION NECESSARY OR APPROPRIATE TO  
RESPOND TO AN ACTUAL OR THREATENED RELEASE OF A HAZARDOUS  
SUBSTANCE.

SECOND READING

SB 0295/02

1        NEW SECTION.    **Section 2.**   Codification    instruction.  
2        [Section 1] is intended to be codified as an integral part  
3        of Title 75 27, chapter ~~10~~ 1, part 7, and the provisions of  
4        Title 75 27, CHAPTER 1, PART 7, apply to [section 1].

-End-

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THIRD READING

SB 0295/02

- 1        NEW SECTION.    **Section 2. Codification    instruction.**
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-End-