

Act No. 91  
Public Acts of 1990  
Approved by the Governor  
May 31, 1990  
Filed with the Secretary of State  
June 1, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Alley, Middaugh, Bartnik, DeMars, Palamara, Giese, DeBeaussiaert, Hickner, Gire, Hart, Niederstadt, Gnodtke, Kosteva, Gubow, Brown, Varga, Stupak, Trim, Dolan, Sikkema, Nye, Hillegonds, Stacey, Crandall, Muxlow, Runco, Ostling, Bandstra, Power, Strand, Hoekman, Bender, Randall, London, Camp, Bankes, Fitzgerald and Hertel

# **ENROLLED HOUSE BILL No. 4933**

AN ACT to provide immunity from civil suits to certain volunteers involved in remedial actions associated with hazardous material spills in the waters of the state.

*The People of the State of Michigan enact:*

Sec. 1. As used in this section:

(a) "Hazardous material" means a chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment.

(b) "Remedial action" means an activity to protect the public health, safety, welfare, or the environment, and includes but is not limited to, cleanup, removal, containment, or isolation of spills.

(c) "Spill" means any leaking, pumping, pouring, emptying, emitting, discharging, escaping, leaching, or disposing of a hazardous material in a quantity which is or may become injurious to the public health, safety, welfare, or to the environment.

(d) "Volunteer" means an individual who is designated as a volunteer by the public entity designated by the governor and is acting solely on behalf of that entity without remuneration beyond reimbursement for out-of-pocket expenses in connection with the assistance.

(e) "Waters of the state" means all groundwaters, lakes, rivers, streams, and other watercourses including the Great Lakes and their connecting waterways within the jurisdiction of the state.

Sec. 2. (1) A volunteer who assists in remedial actions associated with a spill of a hazardous material into the waters of the state following a declaration by the governor pursuant to section 3 of the emergency preparedness act, Act No. 390 of the Public Acts of 1976, being section 30.403 of the Michigan Compiled Laws, that the spill has caused a state of disaster shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the volunteer's good faith rendering of that assistance.

(2) Subsection (1) shall not apply to a volunteer whose act or omission was the result of the volunteer's gross negligence or willful misconduct.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.