

HOUSE BILL No. 4933

June 15, 1989, Introduced by Reps. Alley, Middaugh, Bartnik, DeMars, Palamara, Giese, DeBeaussaert, 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 and referred to the Committee on Conservation, Recreation and Environment.

A bill to provide immunity from civil suits to certain persons involved in remedial actions associated with hazardous substance spills in the waters of the state.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this section:

2 (a) "Hazardous substances" means a chemical or other mate-
3 rial which is or may become injurious to the public health,
4 safety, or welfare or to the environment.

5 (b) "Person" means an individual, corporation, partnership,
6 association, the state, a local unit of government, a political
7 subdivision of the state or a local unit of government, or any
8 other legal entity.

9 (c) "Remedial action" means an activity to protect the
10 public health, safety, welfare, and the environment, and includes

1 but is not limited to, cleanup, removal, containment, or
2 isolation of spills of hazardous substances.

3 (d) "Spills" means a sudden, unexpected leaking, pumping,
4 pouring, emitting, leaching, emptying, discharging, escaping,
5 dumping, or disposing that occurs without the approval of the
6 department of natural resources.

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

11 Sec. 2. (1) A person who assists in remedial actions asso-
12 ciated with spills of hazardous substances into the waters of the
13 state shall not be liable in a civil action for damages resulting
14 from an act or omission arising out of and in the course of the
15 person's good faith rendering of that assistance unless the
16 person's act or omission was the result of that person's gross
17 negligence or willful misconduct.

18 (2) Subsection (1) shall not apply to a person rendering
19 assistance for remuneration beyond reimbursement for out of
20 pocket expenses in connection with the assistance.

21 (3) This section does not grant immunity to a person who
22 causes a spill.