

2A:62A-7 to 2A:62A-9

7/7/04

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:62A-7 to 2A:62A-9 (Hazardous discharge cleanup--immunity from civil damages for those who assist)

LAWS OF: 1986

CHAPTER 30

BILL NO: S112

Sponsor(s): Bubba

Date Introduced: Pre-filed

Committee: Assembly: Environmental Quality

Senate: Energy and Environment

Amended during passage: No

Date of Passage: Assembly: May 15, 1986

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Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes *-missing*

Following were printed:

Reports: No

Hearings: No

CHAPTER 30 LAWS OF N.J. 19 86
APPROVED 6/23/86

SENATE, No. 112
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator BUBBA

AN ACT providing immunity from liability for civil damages to persons for certain actions in response to hazardous discharges and supplementing Title 2A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. a. Notwithstanding the provisions of any other law to the
2 contrary, no individual, partnership, corporation, association, or
3 other entity shall be liable for civil damages as a result of acts
4 taken or omitted in anticipation of, in preparation for, or in the
5 course of rendering care, assistance, or advice with respect to an
6 incident creating a danger to persons, property, or the environ-
7 ment as a result of an imminent, potential, or actual hazardous
8 discharge. This limitation on potential liability shall not be con-
9 strued to cover the action of the person responsible for the haz-
10 ardous discharge, but is applicable only to third parties rendering
11 assistance to mitigate the effects of a hazardous discharge.

12 b. For the purposes of this act, hazardous discharge means a
13 discharge of a hazardous substance required to be reported to the
14 Department of Environmental Protection pursuant to P. L. 1976,
15 c. 141 (C. 58:10-23.11 et seq.) and any rules and regulations adopted
16 pursuant thereto.

1 2. Notwithstanding the provisions of section 1 of this act to the
2 contrary, this act shall not apply to the rendering of care or as-
3 sistance if rendered for remuneration in excess of reimbursement
4 for out of pocket expenses incurred in rendering the care or as-
5 sistance, or with the expectation of remuneration from the recipi-

6 ents of the care or assistance or from another person on their be-
7 half; or to acts or omissions concerning the operation of a motor
8 vehicle while traveling to and from the scene of a hazardous dis-
9 charge to render care, assistance, or advice. This act shall not
10 apply to actions taken against the advice or direction of the Depart-
11 ment of Environmental Protection, or police, fire, or other emer-
12 gency response personnel.

1 3. Section 1 of this act shall not preclude liability for civil
2 damages as the result of gross negligence or intentional misconduct.
3 Reckless, willful, or wanton misconduct constitutes gross negligence
4 for the purposes of this act.

1 4. This act shall take effect immediately.

HAZARDOUS WASTE (Cleanup)

Haz. Discharge, Liability Immune

Provides for immunity from civil damages for persons who assist
in hazardous discharge cleanups.

22 rials designated as hazardous waste pursuant to N. J. A. C. 7:26-1.4
 23 and (2) materials where their discharge or release, or the possibility
 24 of their discharge or release, creates a hazard to persons, property,
 25 or the environment.】*

1 2. Notwithstanding the ~~【provision】~~ *provisions* of section 1
 2 of this act to the contrary, ~~【nothing in】~~ this act ~~【applies】~~ *shall*
 3 *not apply* to ~~【: a.】~~ the rendering of care or assistance ~~【where~~
 4 ~~it is】~~ *if* rendered for remuneration ~~【beyond】~~ *in excess of*
 5 reimbursement for out of pocket expenses ~~【in connection there~~
 6 ~~with】~~ *incurred in rendering the care or assistance*, or with the
 7 expectation of remuneration ~~【.】~~ from the recipients of the care
 8 or assistance ~~【of someone】~~ *or from another person* on their
 9 behalf; or ~~【b.】~~ *to* acts or omissions concerning the operation
 10 of a motor vehicle while traveling to and from the scene of a hazard-
 11 ous ~~【materials incident】~~ *discharge* to render care, assistance,
 12 or advice. *This act shall not apply to actions taken against the*
 13 *advice or direction of the Department of Environmental Protection,*
 14 *or police, fire, or other emergency response personnel.*

1 3. Section 1 of this act shall not preclude liability for civil
 2 damages as the result of gross negligence or intentional misconduct.
 3 Reckless, willful, or wanton misconduct constitutes gross negligence
 4 for the purposes of this act.

1 4. This act shall take effect immediately.

STATEMENT

This bill would provide immunity from liability for civil damages for persons who render assistance, care, or advice in the course of responding to, or helping to mitigate the dangers or threat of a hazardous discharge. This bill would provide immunity only to third parties, or "good samaritans" who respond to hazardous discharges, and would not extend immunity to the person responsible for the hazardous discharge, or any person responding to a hazardous discharge for remuneration. This bill would also not preclude liability for any gross negligence or intentional misconduct related to a response to a hazardous discharge, or to actions involving the use of a motor vehicle in responding to a hazardous discharge.

ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY
STATEMENT TO
SENATE, No. 112
STATE OF NEW JERSEY

DATED: APRIL 30, 1986

The Assembly Environmental Quality Committee favorably reported Senate Bill No. 112.

This bill would provide immunity from liability for civil damages for persons who render assistance, care, or advice in the course of responding to, or helping to mitigate the dangers or threat of a hazardous discharge. This bill would provide immunity only to third parties who respond to hazardous discharges, and would not extend immunity to:

1. Persons providing assistance for remuneration in excess of out-of-pocket expenses.
2. Persons providing assistance with the expectation of remuneration for the services.
3. Persons committing acts or omissions in the course of driving a motor vehicle to or from the scene of a hazardous discharge.
4. Persons whose actions in responding to a hazardous discharge are grossly negligent.

This bill does not limit the liability of a person who has any responsibility for the hazardous discharge, and would not limit the liability for actions taken against the advice of the Department of Environmental Protection or other emergency response personnel but would not require any supervision thereby to render the person responding immune from liability.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 112

STATE OF NEW JERSEY

DATED: JANUARY 23, 1986

The Senate Energy and Environment Committee favorably reports Senate Bill No. 112.

This bill would provide immunity from liability for civil damages for persons who render assistance, care, or advice in the course of responding to, or helping to mitigate the dangers or threat of a hazardous discharge. This bill would provide immunity only to third parties, or "good samaritans" who respond to hazardous discharges, and would not extend immunity to:

1. Persons providing assistance for remuneration in excess of out-of-pocket expenses.
2. Persons providing assistance with the expectation of remuneration for the services.
3. Persons committing acts or omissions in the course of driving a motor vehicle to or from the scene of a hazardous discharge.
4. Persons whose actions in responding to a hazardous discharge are grossly negligent.

This bill does not limit the liability of the person responsible for the hazardous discharge, and would not limit the liability for actions taken against the advice of the Department of Environmental Protection or other emergency response personnel.