

LEGISLATIVE BILL 420

Approved by the Governor February 10, 1984

Introduced by Clark, 47

AN ACT relating to liability; to define terms; and to relieve certain people from liability when dealing with hazardous materials as prescribed. Be it enacted by the people of the State of Nebraska,

Section 1. As used in this act, unless the context otherwise requires:

(1) Discharge shall mean any leakage, seepage, or other release;

(2) Hazardous materials shall mean all materials and substances which are defined as hazardous by Nebraska or federal law or by the regulations of any Nebraska or federal government agency as of the effective date of this act; and

(3) Person shall mean any individual, partnership, corporation, association, or other entity.

Sec. 2. Any volunteer or any person who provides assistance or advice in attempting to mitigate or in mitigating the effects of an actual or threatened discharge of hazardous materials or who attempts to prevent, dispose of, or clean up or prevents, disposes of, or cleans up any such discharge shall not be subject to any civil liability or penalty, except that the person whose act or omission, in whole or in part, caused such actual or treated discharge shall be liable for any negligence of such volunteer or other person.

Sec. 3. Section 2 of this act shall not apply to any person:

(1) Whose act or omission caused in whole or in part such actual or threatened discharge and who would otherwise be liable; or

(2) Who receives compensation other than reimbursement for out-of-pocket expenses for his or her services in rendering such assistance or advice.

Sec. 4. Nothing in section 2 of this act shall be construed to limit or otherwise affect the liability of any person for damages resulting from his or her gross negligence or reckless or intentional misconduct.