

BY adding to

Article - Health - Environmental  
Section 7-229  
Annotated Code of Maryland  
(1982 Volume and 1983 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - Environmental

7-229.

(A) IN THIS SECTION "DISCHARGE" INCLUDES LEAKAGE, SEEPAGE, OR OTHER RELEASE OF A HAZARDOUS ~~SUBSTANCE~~ SUBSTANCE OR MATERIAL.

(B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A PERSON WHO IS CALLED ON FOR ASSISTANCE IN AN EMERGENCY IS NOT SUBJECT TO ANY CIVIL LIABILITY OR PENALTY AS A RESULT OF ASSISTANCE OR ADVICE RENDERED IN:

(1) MITIGATING THE EFFECTS OF AN ACTUAL OR THREATENED DISCHARGE OF A HAZARDOUS ~~SUBSTANCE~~ SUBSTANCE OR MATERIAL;

(2) PREVENTING A DISCHARGE OF A HAZARDOUS ~~SUBSTANCE~~ SUBSTANCE OR MATERIAL;

(3) CLEANING UP ~~OR DISPOSING--OF~~ A DISCHARGE OF A HAZARDOUS ~~SUBSTANCE~~ SUBSTANCE OR MATERIAL; OR

(4) ATTEMPTING ANY OF THE ACTS IN THIS SUBSECTION.

(C) THE IMMUNITY PROVIDED IN SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO ANY PERSON:

(1) WHOSE ACT OR OMISSION WAS THE ORIGINAL CAUSE OF AN ACTUAL OR THREATENED DISCHARGE IN WHOLE OR IN PART, AND WHO WOULD OTHERWISE BE LIABLE FOR THE ACT OR OMISSION; OR

(2) WHO RECEIVED COMPENSATION OTHER THAN REIMBURSEMENT FOR OUT-OF-POCKET EXPENSES FOR RENDERING THE ASSISTANCE OR ADVICE.

(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A PERSON IS LIABLE FOR DAMAGES CAUSED BY THAT PERSON'S GROSS NEGLIGENCE OR RECKLESS, WANTON, OR INTENTIONAL MISCONDUCT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1984.

Approved May 8, 1984.