

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

Article - Courts and Judicial Proceedings

SUBTITLE 11. REIMBURSEMENT FOR COSTS OF EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT

3-1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "EXPENSE OF AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT" MEANS THE REASONABLE COSTS ASSOCIATED WITH THE REPAIR OR REPLACEMENT OF PERSONAL PROTECTIVE EQUIPMENT:

(I) OWNED BY:

1. A PAID FIRE DEPARTMENT; OR

2. AN AUTHORIZED INDIVIDUAL, WHETHER PAID OR VOLUNTEER, WHO PARTICIPATES IN AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT BY A PAID FIRE DEPARTMENT; AND

(II) DAMAGED THROUGH PROPER USE DURING AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT OF A RELEASE OF HAZARDOUS MATERIALS RESULTING FROM A TRAFFIC ACCIDENT INVOLVING A MOTOR VEHICLE OPERATED BY A MOTOR CARRIER THAT IS TRANSPORTING HAZARDOUS MATERIALS.

(2) "EXPENSE OF AN EMERGENCY RESPONSE" INCLUDES THE REASONABLE COSTS OF REPLACING THE CHEMICALS OR ~~OTHER~~ FIRE FIGHTING MATERIALS THAT ARE USED OR DAMAGED DURING AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT.

(C) (1) "HAZARDOUS MATERIALS" MEANS A SUBSTANCE OR MATERIAL IN A QUANTITY OR FORM THAT THE UNITED STATES SECRETARY OF TRANSPORTATION DESIGNATES MAY POSE AN UNREASONABLE RISK TO HEALTH AND SAFETY OF INDIVIDUALS OR TO PROPERTY WHEN TRANSPORTED IN COMMERCE.

(2) "HAZARDOUS MATERIALS" INCLUDE ANY GROUPING OR CLASSIFICATION OF MATERIALS, THAT THE UNITED STATES SECRETARY OF TRANSPORTATION DESIGNATES AS A HAZARDOUS MATERIAL, INCLUDING:

(I) EXPLOSIVES;

(II) RADIOACTIVE MATERIALS;

(III) ETIOLOGIC AGENTS;