

- (IV) FLAMMABLE LIQUIDS OR SOLIDS;
- (V) COMBUSTIBLE LIQUIDS OR SOLIDS;
- (VI) POISONS;
- (VII) OXIDIZING OR CORROSIVE MATERIALS; AND
- (VIII) COMPRESSED GASES.

(D) "HIGHWAY" HAS THE SAME MEANING AS PROVIDED IN § 11-127 OF THE TRANSPORTATION ARTICLE.

(E) "MOTOR CARRIER" MEANS A COMMON CARRIER BY MOTOR VEHICLE, CONTRACT CARRIER BY MOTOR VEHICLE, AND PRIVATE CARRIER BY MOTOR VEHICLE THAT CARRIES A HAZARDOUS MATERIAL IN COMMERCE.

3-1102.

(A) A MOTOR CARRIER IS RESPONSIBLE FOR THE EXPENSE OF AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT BY A PAID FIRE DEPARTMENT IF THE MOTOR CARRIER:

(1) TRANSPORTS A HAZARDOUS MATERIAL IN COMMERCE ON A HIGHWAY IN THE STATE; AND

(2) IS AT FAULT ~~IN~~ AND CAUSES A TRAFFIC ACCIDENT IN THE STATE THAT RESULTS IN:

(I) A SPILL OR DISCHARGE OF HAZARDOUS MATERIALS; AND

(II) AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT BY THE PAID FIRE DEPARTMENT.

~~(B) -- THE EXPENSE -- OF -- AN -- EMERGENCY -- RESPONSE, -- CONTAINMENT, -- CLEANUP, -- AND -- ABATEMENT -- UNDER -- SUBSECTION -- (A) -- OF -- THIS -- SECTION -- IS -- A -- BURDEN -- AGAINST -- THE -- RESPONSIBLE -- MOTOR -- CARRIER.~~

3-1103.

(A) A MOTOR CARRIER THAT IS AT FAULT ~~IN~~ AND CAUSES A TRAFFIC ACCIDENT THAT RESULTS IN A SPILL OR DISCHARGE OF HAZARDOUS MATERIALS SHALL NEGOTIATE IN GOOD FAITH TO REIMBURSE A PAID FIRE DEPARTMENT FOR ~~ITS~~ THE EXPENSE OF AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT INVOLVING THE HAZARDOUS MATERIALS IN THE TRAFFIC ACCIDENT.

(B) IF THE NEGOTIATIONS UNDER SUBSECTION (A) OF THIS SECTION DO NOT RESOLVE THE DISPUTE TO THE SATISFACTION OF THE PARTIES, A PAID DEPARTMENT MAY FILE SUIT AGAINST THE MOTOR CARRIER IN A COURT OF COMPETENT JURISDICTION IN THE STATE.