

(2) ~~THE OWNER, OR OPERATOR, OR PERSON IN CHARGE~~ OF THE FIXED FACILITY INVOLVED IN THE RELEASE OR THREATENED RELEASE OF HAZARDOUS MATERIALS AT THE TIME OF OR IMMEDIATELY BEFORE THE RELEASE OR THREATENED RELEASE.

(H) "PAID FIRE DEPARTMENT" INCLUDES A PAID FIRE DEPARTMENT, A PAID RESCUE SQUAD, A PAID EMERGENCY MEDICAL SERVICE, A PAID HAZARDOUS MATERIAL RESPONSE TEAM, PAID LAW ENFORCEMENT, AND A LOCAL DEPARTMENT OF PUBLIC WORKS DESIGNATED BY A LOCAL JURISDICTION AS A RESPONDER TO A RELEASE OR THREATENED RELEASE OF HAZARDOUS MATERIALS, OR AS AN ASSISTANT TO A RESPONDER.

3-1202.1.

A PERSON IN CONTROL WHO IS AT FAULT IS RESPONSIBLE FOR THE EXPENSE OF AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT OF A RELEASE OR THREATENED RELEASE OF HAZARDOUS MATERIALS AT A FIXED FACILITY BY A PAID FIRE DEPARTMENT.

3-1203.

(a) (1) A motor carrier that is at fault 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 the expense of an emergency response, containment, cleanup, and abatement involving the hazardous materials in the traffic accident.

(2) A PERSON IN CONTROL OF A FIXED FACILITY WHO IS AT FAULT AND WHO IS INVOLVED IN A RELEASE OR THREATENED RELEASE OF HAZARDOUS MATERIALS SHALL NEGOTIATE IN GOOD FAITH TO REIMBURSE A PAID FIRE DEPARTMENT FOR THE EXPENSE OF AN EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT INVOLVING THE HAZARDOUS MATERIALS IN THE RELEASE OR THREATENED RELEASE.

(b) (1) If the negotiations under subsection [(a)] (A)(1) of this section do not resolve the dispute to the satisfaction of the parties, a paid FIRE department may file suit against the motor carrier in a court of competent jurisdiction in the State.

(2) ~~IF THE NEGOTIATIONS UNDER SUBSECTION (A)(2) OF THIS SECTION DO NOT RESOLVE THE DISPUTE TO THE SATISFACTION OF THE PARTIES, A PAID FIRE DEPARTMENT MAY FILE SUIT AGAINST THE PERSON IN CONTROL IN A COURT OF COMPETENT JURISDICTION IN THE STATE.~~

3-1204.

This subtitle does not affect any liability or immunity of a paid fire company, a paid rescue squad, or the personnel of a paid fire company or paid rescue squad under § 5-309.1 of this article.