

(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.

3-1207.

(A) IF A PAID FIRE COMPANY ATTEMPTS BUT IS NOT ABLE TO PROVIDE FOR THE EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT OF A SPILL OF HAZARDOUS MATERIALS IN A TRAFFIC ACCIDENT, THE INCIDENT COMMANDER AT THE SCENE OF THE TRAFFIC ACCIDENT MAY REQUEST ASSISTANCE FROM ANY OTHER PERSON, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY THAT IS EXPERIENCED IN THE EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT OF A SPILL OF HAZARDOUS MATERIALS IN A TRAFFIC ACCIDENT.

~~(B) THE PERSON, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY THAT IS REQUESTED TO ASSIST UNDER SUBSECTION (A) OF THIS SECTION MAY SUBMIT A BILL DIRECTLY TO THE MOTOR CARRIER THAT IS INVOLVED IN A TRAFFIC ACCIDENT IN THE STATE THAT RESULTS IN:~~

~~(1) A SPILL OR DISCHARGE INVOLVING HAZARDOUS MATERIALS; AND~~

~~(2) AN ATTEMPTED EMERGENCY RESPONSE, CONTAINMENT, CLEANUP, AND ABATEMENT BY THE PAID FIRE COMPANY.~~

~~(C) A MOTOR CARRIER THAT IS INVOLVED IN A SPILL OF HAZARDOUS MATERIALS IN A TRAFFIC ACCIDENT IS RESPONSIBLE FOR PAYMENT OF ANY LEGITIMATE BILL SUBMITTED TO THE MOTOR CARRIER AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, WHETHER OR NOT THE MOTOR CARRIER IS AT FAULT IN THE TRAFFIC ACCIDENT.~~

(B) SUBJECT TO A WRITTEN MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF THE ENVIRONMENT AND THE FIRE COMPANY, ANY COSTS INCURRED UNDER SUBSECTION (A) OF THIS SECTION MAY BE REIMBURSED FROM THE STATE HAZARDOUS SUBSTANCE CONTROL FUND UNDER § 7-221 OF THE ENVIRONMENT ARTICLE.

(C) ANY EXPENDITURE FROM THE STATE HAZARDOUS SUBSTANCE CONTROL FUND MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL BE REIMBURSED TO THE DEPARTMENT BY THE PERSON RESPONSIBLE FOR THE RELEASE AS PROVIDED UNDER § 7-221 OF THE ENVIRONMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.