

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LIABILITY OF A PROSPECTIVE PURCHASER  
5 UNDER THE COMPREHENSIVE ENVIRONMENTAL CLEANUP AND RESPONSIBILITY ACT; AND  
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. **Section 1. Prospective purchasers.** A bona fide prospective purchaser of real  
11 property may not be held liable for cleanup under 75-10-715 if:

- 12 (1) the person did not cause, contribute, or consent to the release or threatened release;
- 13 (2) the person is not liable or potentially liable through any direct or indirect familial relationship, any  
14 contractual relationship as defined in 75-10-715, or any corporate or financial relationship or is not liable or  
15 potentially liable as a result of a reorganization of a business entity that was potentially liable under 75-10-715;
- 16 (3) the person exercises appropriate care with respect to hazardous or deleterious substances found  
17 at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release,  
18 and prevent or limit human or environmental exposure to any previously released hazardous or deleterious  
19 substances; and
- 20 (4) the person cooperates with the department and all persons conducting department-approved  
21 remedial actions on the property, including granting access and complying with and implementing all required  
22 institutional controls.

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24 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
25 integral part of Title 75, chapter 10, part 7, and the provisions of Title 75, chapter 10, part 7, apply to [section 1].

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27 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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