

SENATE BILL NO. 434  
INTRODUCED BY TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING IMMUNITY TO PRIVATE RESPONSE TEAMS CONTRACTED BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR A LOCAL OR TRIBAL EMERGENCY RESPONSE AUTHORITY RESPONDING TO A HAZARDOUS MATERIAL INCIDENT; REMOVING GOVERNMENTAL IMMUNITY FOR BAD FAITH; AMENDING SECTION 10-3-1217, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 10-3-1217, MCA, is amended to read:

**"10-3-1217. Liability of persons and response team members rendering assistance.** (1) The state or a political subdivision of the state, the commission, the local emergency response authority, and the state hazardous material incident response team or, except for willful misconduct, gross negligence, or bad faith, an employee, representative, or agent of the state or a political subdivision of the state, the commission, the local emergency response authority, and the state hazardous material incident response team is ~~The~~ EXCEPT FOR WILLFUL MISCONDUCT OR GROSS NEGLIGENCE, THE THE following are not liable under this part for injuries, costs, damages, expenses, or other liabilities resulting from the release or threatened release or remedial action resulting from the release or threatened release of a hazardous material:

(a) the state or a political subdivision of the state;

(b) the commission;

(c) the local emergency response authority;

(d) the state hazardous material incident response team;

(e) a private EMERGENCY response team ~~contracted~~ DISPATCHED by the state, a political subdivision of the state, or a local or tribal emergency response authority FOR EMERGENCY RESPONSE ACTIVITIES; and

(f) ~~except for willful misconduct, gross negligence, or bad faith, an employee, representative, or agent of any of the entities listed in subsections (1)(a) through (1)(e), EXCEPT FOR WILLFUL MISCONDUCT OR GROSS NEGLIGENCE.~~

(2) The immunity includes but is not limited to indemnification, contribution, or third-party claims for wrongful death, personal injury, illness, loss or damages to property, or economic loss.

(3) A person becomes a member of the state hazardous material incident response team when the person is contacted, dispatched, or requested for response regardless of the person's location."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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