

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 520

Short Title: Liability for Oil Spill Cleanup.

(Public)

Sponsors: Representatives Payne; and McLawhorn.

Referred to: Judiciary II.

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT REGARDING LIMITATION OF LIABILITY FOR PERSONS
3 RESPONDING TO OIL SPILLS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 143-215.84 is amended by adding a new subsection to read:

6 "(b1) Liability for Removal Costs. –

7 (1) Notwithstanding any other provision of law, a person shall not be
8 liable for removal costs or damages of any kind resulting from, arising
9 out of, or related to the discharge or threatened discharge of oil,
10 including damages to public resources pursuant to G.S. 143-215.90,
11 when these removal costs or damages result from acts or omissions in
12 the course of rendering care, assistance, or advice consistent with the
13 National Contingency Plan or as otherwise directed by the federal on-
14 scene coordinator or by any appropriate official from the Department.

15 (2) The provisions of subdivision (1) of this subsection do not apply:

16 a. To a responsible party, as defined under section 1001 of the Oil
17 Pollution Act of 1990;

18 b. With respect to personal injury or wrongful death; or

19 c. When the person is grossly negligent or engages in willful
20 misconduct.

21 (3) A responsible party is liable for any removal costs and damages that a
22 person rendering care, assistance, or advice is relieved of under
23 subdivision (1) of this subsection.

- 1 (4) Nothing in this section affects the liability of a responsible party for an
2 oil spill response pursuant to State law."
3 Sec. 2. This act is effective upon ratification.