

By Mr. Morrissey of Quincy, petition of Michael W. Morrissey for legislation to exempt from civil liability persons who render care, assistance or advice in the transportation of compressed gases. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT RELATING TO HAZARDOUS MATERIALS LIABILITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 148 of the General Laws is hereby
2 amended by inserting after section 15 the following section: —

3 *Section 15A.* No individual, partnership, corporation, associa-
4 tion, or other entity shall be liable in civil damages as a result of acts
5 taken or omitted in anticipation of, in preparation for, or in the
6 course of rendering care, assistance, or advice with respect to an
7 incident creating a danger to person, property, or the environment
8 as a result of spillage, seepage, fire explosion, or other release of
9 compressed gases, or the possibility thereof, during the course of
10 transportation of such gases by any mode whatsoever, including
11 loading and unloading.

1 SECTION 2. Notwithstanding the foregoing, nothing in this
2 section shall be deemed to apply to the rendering of such care or
3 assistance where the same is rendered for remuneration beyond
4 reimbursement for out of pocket expenses in connection therewith,
5 or with the expectation of such remuneration, from the recipient or
6 recipients of such care or assistance of someone on his or their
7 behalf.

1 SECTION 3. This section shall not preclude liability for civil
2 damages as the result of gross negligence or intentional miscon-
3 duct. Reckless, willful, or wanton misconduct shall constitute
4 gross negligence.

