

By Mr. Brett of Boston, petition of James T. Brett for legislation to provide immunity from liability to persons who provide certain services in response to emergencies involving hazardous materials. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT PROVIDING IMMUNITY FROM LIABILITY TO RESPOND IN DAMAGES TO PERSONS WHO PROVIDE CERTAIN SERVICES IN RESPONSE TO EMERGENCIES INVOLVING HAZARDOUS MATERIALS.

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 148 of the General Laws is hereby amended by inserting
2 after section 58 the following section: —
3 Section 59. Notwithstanding any provisions of law to the
4 contrary, no person, corporation, partnership, or other entity who
5 provides assistance upon the request of any police agency, fire
6 department, first aid or emergency squad or other agency or unit
7 of government in the event of an accident or other emergency
8 situation arising out of the use, handling, transportation,
9 transmission or storage of any hazardous material owned, being
10 transported or used by another person, corporation, partnership,
11 or other entity shall be liable in any civil action as a result of his
12 or its acts of commission or omission performed in good faith in
13 the course of his or its rendering emergency assistance. Nothing
14 herein shall be deemed to grant any such immunity to any person
15 causing damage as a result of his gross negligence or willful or
16 wanton acts. The immunity granted herein shall extend to and
17 inure to the benefit of the employer of a person rendering such
18 assistance or any other person, employer, partnership or
19 corporation legally responsible for the acts or omissions of such
20 individual. It shall extend to and inure to the benefit of any insurer
21 of said person, employer, partnership, corporation or other entity.

