

SENATE No. 2043

By Mr. Berry, a petition (accompanied by bill, Senate, No. 2043) of Frederick E. Berry for legislation to grant immunity to certain persons providing assistance or advice in relation to emergencies arising out of the use, handling, transportation, transmission or storage of certain flammable gases or hazardous materials. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT GRANTING IMMUNITY TO CERTAIN PERSONS PROVIDING ASSISTANCE OR ADVICE IN RELATION TO EMERGENCIES ARISING OUT OF THE USE, HANDLING, TRANSPORTATION, TRANSMISSION OR STORAGE OF CERTAIN FLAMMABLE GASES OR 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 Chapter 148 of the General Laws is hereby amended by in-
2 serting after section 38 the following section: —
3 *Section 59.* Notwithstanding any provisions of law to the
4 contrary, no person, corporation, partnership, or other entity
5 who provides assistance or advice upon the request of any
6 police agency, fire department, first aid or emergency squad
7 or other agency or unit of government in the event of an acci-
8 dent or other emergency situation arising out of the use,
9 handling, transportation, transmission or storage of any com-
10 pressed or liquefied flammable gases, or hazardous material
11 shall be liable in any civil action as a result of his or its ren-
12 dering emergency assistance. Nothing herein shall be deemed
13 to grant any such immunity to any person causing damage as
14 a result of his willful or wanton acts. The immunity granted
15 herein shall extend to and inure to the benefit of the employer
16 of any person rendering such assistance or any other person,
17 employer, partnership or corporation legally responsible for
18 the acts or omissions of such individual.

1. The Board of Directors shall have the right to elect and remove the officers and directors of the corporation.

2. The Board of Directors shall have the right to determine the business of the corporation and to manage the same.

3. The Board of Directors shall have the right to declare dividends and to pay the same to the stockholders.

4. The Board of Directors shall have the right to borrow money for the corporation and to mortgage the property of the corporation.

5. The Board of Directors shall have the right to lease, sell, or otherwise dispose of the real and personal property of the corporation.

6. The Board of Directors shall have the right to make and alter the bylaws of the corporation.

7. The Board of Directors shall have the right to sue and be sued in the name of the corporation.

8. The Board of Directors shall have the right to do all such other and various acts and things as may be necessary or proper for the corporation.

9. The Board of Directors shall have the right to make and alter the articles of incorporation of the corporation.

10. The Board of Directors shall have the right to make and alter the certificate of incorporation of the corporation.

11. The Board of Directors shall have the right to make and alter the charter of the corporation.

12. The Board of Directors shall have the right to make and alter the constitution of the corporation.

13. The Board of Directors shall have the right to make and alter the laws of the corporation.

14. The Board of Directors shall have the right to make and alter the regulations of the corporation.

15. The Board of Directors shall have the right to make and alter the rules of the corporation.

16. The Board of Directors shall have the right to make and alter the orders of the corporation.