

Article - Courts and Judicial Proceedings

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§3-1103.

(a) (1) A motor carrier that is at fault and causes a traffic accident that results in a spill or discharge of hazardous materials shall negotiate in good faith to reimburse a volunteer fire company for the expense of an emergency response, containment, cleanup, and abatement involving the hazardous materials in the traffic accident.

(2) A person in control of a fixed facility who is at fault and who is involved in a release or threatened release of hazardous materials shall negotiate in good faith to reimburse a volunteer fire company for the expense of an emergency response, containment, cleanup, and abatement involving the hazardous materials in the release or threatened release.

(b) (1) If the negotiations under subsection (a)(1) of this section do not resolve the dispute to the satisfaction of the parties, a volunteer fire company may file suit against the motor carrier in a court of competent jurisdiction in the State.

(2) If the negotiations under subsection (a)(2) of this section do not resolve the dispute to the satisfaction of the parties, a volunteer fire company may file suit against the person in control in a court of competent jurisdiction in the State.

(c) At the request of a volunteer fire company, a local jurisdiction may file suit under this subtitle on behalf of the volunteer fire company.

(d) If a volunteer fire company is awarded damages under this subtitle, the court may also award reasonable attorney's fees.

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