

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5143. Exemption From Liability for Persons Responding to Discharges of Oil or Hazardous Material.

(a) No person, including but not limited to an oil spill or hazardous material response organization, its agents, subcontractors and employees, shall be liable under the laws of the Commonwealth or the common law to any person for costs, damages, and any other claims and expenses as a result of actions taken or omitted to be taken in the course of rendering care, assistance and advice consistent with the area contingency plan or the national contingency plan, or at the direction of the state (Commonwealth) on-scene coordinator or federal on-scene coordinator in response to a discharge or threatened discharge of oil or hazardous material.

(b) Subsection (a) of this section shall not apply:

(1) To a responsible party;

(2) To actions for personal injury or wrongful death;

(3) If the person commits acts of gross negligence or willful misconduct in connection with the cleanup of a discharge of oil.

(c) A responsible party is liable for any removal costs and damages that another person or oil spill or hazardous material response organization is relieved of under subsection (a) of this section.

Source: PL 9-49, § 3.