

IC 13-19-6

Chapter 6. Liability Limitation for Certain Surficial Activities

IC 13-19-6-1

Liability limitation for certain surficial activities

Sec. 1. (a) Subject to subsection (b) and except as provided under existing defenses and exemptions to liability contained in the environmental management laws, a person who:

(1) owns or otherwise legally possesses real property that is not more than one (1) acre in size; and

(2) installs only:

(A) pavement or another hard surface; or

(B) landscaping and other surficial plantings;

on the surface of the real property does not incur any additional liability for those paving or landscaping activities under the environmental management laws for costs or damages associated with the presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that is located beneath the surface of the real property.

(b) Paving or landscaping activities on real property described in subsection (a)(2) may not:

(1) impede the effectiveness or integrity of any institutional control employed on the real property in connection with a response action at the real property;

(2) violate a land use restriction established or relied on in connection with a response action at the real property;

(3) result in a release of a hazardous substance, a contaminant, petroleum, or a petroleum product at the real property; or

(4) exacerbate existing contamination at the real property.

As added by P.L.6-2011, SEC.1.