

IC 13-24-2

Chapter 2. Immunity for Oil Discharge Response Assistance

IC 13-24-2-1

Applicability of chapter

Sec. 1. This chapter does not apply to any of the following:

(1) A discharge or a threatened discharge that is not:

(A) into;

(B) on; or

(C) threatening to enter;

the navigable waters of Indiana.

(2) A person who, in providing response assistance, is grossly negligent or engages in willful or wanton misconduct.

(3) Personal injury or wrongful death.

As added by P.L.1-1996, SEC.14.

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Liability for oil discharge response assistance

Sec. 2. Notwithstanding any other law, except as provided in section 3 of this chapter and subject to section 4 of this chapter, a person is immune from liability under Indiana law for:

(1) removal costs incurred; or

(2) damage caused;

as a result of an act committed or omission made in the course of providing oil discharge response assistance.

As added by P.L.1-1996, SEC.14.

IC 13-24-2-3

Liability for original discharge

Sec. 3. This chapter does not affect or impair:

(1) a cause of action against; or

(2) the liability of;

any responsible party for the original discharge. The responsible party remains liable for any and all damage arising from the discharge, including damage arising from improperly provided response assistance, as otherwise provided by law.

As added by P.L.1-1996, SEC.14.

IC 13-24-2-4

Liability for oil discharge response assistance; liability for removal costs or damage

Sec. 4. A party who is a responsible party with respect to an oil discharge is, in the absence of a defense to liability for the removal costs or damage arising from the discharge, liable for removal costs or damage caused by a person who is immune from liability under section 2 of this chapter.

As added by P.L.1-1996, SEC.14.