

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

PART 203

VOLUNTEER IMMUNITY

324.20301 Definitions.

Sec. 20301. As used in this part:

(a) "Hazardous material" means a chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment.

(b) "Remedial action" means an activity to protect the public health, safety, welfare, or the environment and includes, but is not limited to, cleanup, removal, containment, or isolation of spills.

(c) "Spill" means any leaking, pumping, pouring, emptying, emitting, discharging, escaping, leaching, or disposing of a hazardous material in a quantity which is or may become injurious to the public health, safety, welfare, or to the environment.

(d) "Volunteer" means an individual who is designated as a volunteer by the public entity designated by the governor and is acting solely on behalf of that entity without remuneration beyond reimbursement for out-of-pocket expenses in connection with the assistance.

(e) "Waters of the state" means all groundwaters, lakes, rivers, streams, and other watercourses including the Great Lakes and their connecting waterways within the jurisdiction of the state.

History: 1994, Act 451, Eff. Mar. 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.20302 Hazardous material spills; immunity of volunteers from civil suits; effect of gross negligence or willful misconduct.

Sec. 20302. (1) A volunteer who assists in remedial actions associated with a spill of a hazardous material into the waters of the state following a declaration by the governor pursuant to section 3 of the emergency preparedness act, Act No. 390 of the Public Acts of 1976, being section 30.403 of the Michigan Compiled Laws, that the spill has caused a state of disaster is not liable in a civil action for damages resulting from an act or omission arising out of and in the course of the volunteer's good faith rendering of that assistance.

(2) Subsection (1) does not apply to a volunteer whose act or omission was the result of the volunteer's gross negligence or willful misconduct.

History: 1994, Act 451, Eff. Mar. 30, 1995.

Popular name: Act 451

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