

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 347 be amended to read as follows:

- 1 Page 2, line 14, strike "ten" and insert "**eleven**".
2 Page 2, line 15, strike "(10%)" and insert "**(11%)**".
3 Page 2, between lines 16 and 17, begin a new paragraph and insert:
4 "SECTION 2. IC 13-23-13-5.5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a)
6 Notwithstanding any other provision of this chapter, a person who is
7 not an owner or operator of an underground storage tank is liable to the
8 state only for corrective action to address a surface spill or overfill of
9 a regulated substance from the underground storage tank that is
10 intentionally caused by the person during the delivery of the regulated
11 substance into the underground storage tank.
12 (b) A person who is liable for corrective action under subsection (a)
13 is subject to a claim for contribution to corrective action costs arising
14 solely from the surface spill or overfill by a person ~~described in section~~
15 ~~8(b)(1) or 8(b)(2) of this chapter: who caused the spill or overfill.~~
16 ~~Except as otherwise provided in subsection (c) and (d),~~ An action for
17 contribution under this section may be brought in the same manner and
18 is subject to the same provisions as an action brought under section
19 ~~8(b) 8~~ of this chapter.
20 (c) ~~Before a person brings a contribution action under this section,~~
21 ~~the person must provide written notice of intent to bring the action by~~
22 ~~certified mail to:~~
23 (1) ~~the department; and~~
24 (2) ~~each person allegedly responsible for the surface spill or~~
25 ~~overfill that occurred during the delivery of a regulated substance~~
26 ~~into the underground storage tank.~~
27 (d) ~~A person that provides notice under subsection (c) may not bring~~
28 ~~a contribution action if:~~
29 (1) ~~the department commences an administrative proceeding or~~
30 a civil action concerning the alleged surface spill or overfill not

- 1 later than ninety (90) days after receiving notice under subsection
 - 2 (c)(1); or
 - 3 (2) the person who receives the notice under subsection (c)(2)
 - 4 agrees in writing, within ninety (90) days after receipt of the
 - 5 notice, to remediate the surface spill or overfill in accordance
 - 6 with the state's rules governing spills and overfills."
 - 7 Page 2, delete lines 17 through 42.
 - 8 Page 3, delete lines 1 through 8.
 - 9 Page 4, line 7, delete "subsections (e) through (h)," and insert
 - 10 "**subsection (e)**,".
 - 11 Page 4, line 19, delete "may receive" and insert "**is entitled to**".
 - 12 Page 4, delete lines 26 through 42.
 - 13 Page 5, delete lines 1 through 21.
 - 14 Page 5, line 22, delete "(h)" and insert "**(e)**".
 - 15 Page 5, line 30, after "Award" insert "**reasonable**".
 - 16 Page 5, line 31, delete "reasonably".
 - 17 Page 5, line 32, delete "(b), (c), or (g)." and insert "**(b) or (c)**".
 - 18 Page 5, line 35, delete "(i)" and insert "**(f)**".
 - 19 Page 5, line 38, delete "(j)" and insert "**(g)**".
 - 20 Page 5, line 42, delete "(k)" and insert "**(h)**".
- (Reference is to SB 347 as printed February 16, 2011.)

Senator TALLIAN