

A BILL ENTITLED

AN ACT concerning

Environment – Multidefendant Oil and Hazardous Substance Pollution Cases – Effect of Settlement

FOR the purpose of exempting certain types of pollution cases from the Maryland Uniform Contribution Among Joint Tort–Feasors Act; requiring the factfinder in certain legal actions to ~~make a determination of the total liability and~~ assign comparative responsibility to certain parties; authorizing the State to continue to pursue certain legal actions or bring new legal actions if the State has obtained less than complete relief from a certain person who has resolved the person’s liability with the State in a settlement; providing that a certain person is not liable for certain claims under certain circumstances; providing for the effect of a settlement that resolves the liability of a particular person with the State; preserving joint and several liability among non-settling parties; authorizing a certain person to seek contribution from certain other persons pursuant to certain provisions of law; and generally relating to legal actions involving oil or hazardous substance pollution.

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4-421.

(A) IN THIS SECTION, “PROPORTIONATE SHARE OF LIABILITY” MEANS THE PERCENTAGE OF COMPARATIVE RESPONSIBILITY ASSIGNED BY THE FACTFINDER TO A SETTLING PARTY. ~~IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.~~

~~(B) IN AN ACTION ARISING FROM A VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, ORDER, OR PERMIT ISSUED IN ACCORDANCE WITH THIS SUBTITLE, THE FACTFINDER SHALL:~~

~~(1) MAKE A DETERMINATION OF THE TOTAL LIABILITY IN THE LEGAL ACTION, INCLUDING DAMAGES, REMOVAL COSTS, CLEANUP COSTS, AND ALL OTHER AVAILABLE RELIEF; AND~~

~~(2) ASSIGN COMPARATIVE RESPONSIBILITY TO ALL PARTIES JOINED IN THE LEGAL ACTION, INCLUDING ALL PLAINTIFFS,~~

~~DEFENDANTS, THIRD PARTY DEFENDANTS, INTERVENORS, AND OTHER NAMED PARTIES.~~

(1) CONTINUE TO PURSUE AN ONGOING LEGAL ACTION AGAINST ANY OTHER PERSON RESPONSIBLE FOR THE DISCHARGE WHO HAS NOT RESOLVED THE PERSON'S LIABILITY; OR

(2) BRING A NEW ACTION AGAINST ANY OTHER PERSON RESPONSIBLE FOR THE DISCHARGE WHO HAS NOT RESOLVED THE PERSON'S LIABILITY.

~~(C)~~ (1) IF A PERSON RESPONSIBLE FOR THE DISCHARGE RESOLVES THE PERSON'S LIABILITY TO THE STATE IN A SETTLEMENT, THE PERSON SHALL NOT BE LIABLE FOR CLAIMS FOR NONCONTRACTUAL CONTRIBUTION OR INDEMNITY REGARDING ANY MATTER OR CLAIM ADDRESSED IN THE SETTLEMENT, INCLUDING ANY STATUTORY OR COMMON LAW CLAIM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A SETTLEMENT THAT RESOLVES THE LIABILITY OF A PARTICULAR PERSON RESPONSIBLE FOR THE DISCHARGE:

(I) SHALLDOES NOT RELEASE FROM JOINT AND SEVERAL LIABILITY ANY OTHER PERSON RESPONSIBLE FOR THE DISCHARGE EXCEPT AS SPECIFICALLY PROVIDED BY THE TERMS OF THE SETTLEMENT; AND

(II) SHALLDOES NOT RELEASE ANY OTHER PERSON RESPONSIBLE FOR THE DISCHARGE FROM ITS RESPONSIBILITY TO PAY PENALTIES; BUT

(3H) A SETTLEMENT THAT RESOLVES THE LIABILITY OF A PARTICULAR PERSON RESPONSIBLE FOR THE DISCHARGE SHALLDOES REDUCES THE POTENTIAL JOINT AND SEVERAL LIABILITY OF OTHER PERSONS RESPONSIBLE FOR THE DISCHARGE BY THE SETTLING PERSON'S PROPORTIONATE SHARE OF LIABILITY FOR ALL SETTLED CLAIMS, INCLUDING ALL STATUTORY AND COMMON LAW CLAIMS.

~~(D)~~ A PERSON RESPONSIBLE FOR THE DISCHARGE WHO HAS RESOLVED THE PERSON'S LIABILITY TO THE STATE IN A SETTLEMENT OR THROUGH THE SATISFACTION OF A JUDGMENT MAY NOT SEEK CONTRIBUTION FROM ANY OTHER PERSON RESPONSIBLE FOR THE DISCHARGE WHO HAS NOT SETTLED THE OTHER PERSON'S LIABILITY

TO THE STATE IN ACCORDANCE WITH THIS SECTION OR § 7-221 OF THIS ARTICLE.

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7-221
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(F) (1) IN THIS SUBSECTION, “PROPORTIONATE SHARE OF THE LIABILITY” MEANS THE PERCENTAGE OF COMPARATIVE RESPONSIBILITY ASSIGNED BY THE FACTFINDER TO A SETTLING PARTY. ~~IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(2) IN AN ACTION UNDER SUBSECTION (B) OF THIS SECTION, THE FACTFINDER SHALL:~~

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH 3. OF THIS PARAGRAPH. A SETTLEMENT THAT RESOLVES THE LIABILITY OF A PARTICULAR RESPONSIBLE PERSON:

1. SHALL DOES NOT RELEASE FROM JOINT AND SEVERAL LIABILITY ANY OTHER RESPONSIBLE PERSON EXCEPT AS SPECIFICALLY PROVIDED BY THE TERMS OF THE SETTLEMENT; AND

2. SHALL DOES NOT RELEASE ANY OTHER RESPONSIBLE PERSON FROM ITS RESPONSIBILITY TO PAY PENALTIES; BUT

3. A SETTLEMENT THAT RESOLVES THE LIABILITY OF A PARTICULAR PERSON RESPONSIBLE PERSON FOR THE DISCHARGE SHALL DOES REDUCES THE POTENTIAL JOINT AND SEVERAL LIABILITY OF OTHER RESPONSIBLE PERSONS BY THE SETTLING PERSON’S PROPORTIONATE SHARE OF THE LIABILITY FOR ALL SETTLED CLAIMS, INCLUDING ALL STATUTORY AND COMMON LAW CLAIMS.

(4) A RESPONSIBLE PERSON WHO HAS RESOLVED THE PERSON’S LIABILITY TO THE STATE IN A SETTLEMENT OR THROUGH THE SATISFACTION OF A JUDGMENT MAY NOT SEEK CONTRIBUTION FROM ANY OTHER RESPONSIBLE PERSON WHO HAS NOT SETTLED

THE OTHER PERSON'S LIABILITY TO THE STATE IN ACCORDANCE WITH THIS SECTION OR § 4-421 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to settlements executed after ~~legal actions pending on~~ the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.