



# Maryland Motor Truck Association

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**HEARING DATE:** February 17, 2021

**BILL NO/TITLE:** House Bill 739: Environment - Multidefendant Oil and Hazardous Substance Pollution Cases - Effect of Settlement

**COMMITTEE:** House Environment & Transportation Committee

**POSITION:** **Oppose**

The members of Maryland Motor Truck Association, who drive Maryland's economy, are very concerned that the passage of HB739 could have severe, unintended effects on Maryland's small trucking companies, especially those that own or operate their own underground fuel tanks or deliver products to them. Overwhelmingly the trucking industry is small business, with 97% of the industry operating 20 trucks or fewer.

MMTA is particularly concerned with the new right of contribution created for defendants that settle with the state by opening the door for those defendants to then sue to recover portions of their settlement payments from non-parties to the litigation. By removing obstacles for such contribution actions, it makes non-parties liable for damages and other relief owed to the State by virtue of the settling defendant's statutory violations. The legislation eliminates any requirement that the settling defendants seeking contribution prove that the non-party was negligent. There would be no defense to the contribution action if the non-party met the definition of "Responsible Party" for the release alleged.

MMTA is also concerned that this bill complicates the statute of limitations in these cases. The contribution liability under this bill applies regardless of how long ago the alleged release occurred and regardless of whether our member(s) immediately responded at that time and cleaned up the fuel delivery spill in compliance with the directives of the Maryland Department of Environment. Because the statute of limitations for the contribution action begins to run when the defendant settles with the State and makes the settlement payment, the "other parties" are potentially exposed to contribution liabilities for releases that occurred decades ago.

The passage of this legislation sets up small, locally owned businesses across Maryland to state-sanctioned legal attacks from large corporations, even where these small businesses previously satisfied their obligation to the Department of the Environment for environmental releases. As such, we urge an unfavorable report.

**About Maryland Motor Truck Association:** Maryland Motor Truck Association is a not-for-profit trade association representing the trucking industry since 1935. In service to its 1,000+ members, MMTA is committed to supporting and advocating for a safe, efficient and profitable trucking industry across all sectors and industry types, regardless of size, domicile or type of operation.

**For further information, contact:** Louis Campion, (c) 443-623-4223