

**411.493 Nonliability for removal costs or damages from actions under national contingency plan for oil spills.**

- (1) Notwithstanding any other provision of law, except as provided in subsection (2) of this section, a person is not liable for removal costs or damages which result from actions taken, or not taken, in the course of rendering care, assistance, or advice consistent with the national contingency plan or as otherwise directed by the federal on-scene coordinator or by the secretary of the Energy and Environment Cabinet, or his designee.
- (2) Subsection (1) of this section does not apply:
  - (a) To a responsible party;
  - (b) To any person who is grossly negligent or who engages in willful misconduct; or
  - (c) With respect to personal injury or wrongful death.
- (3) A responsible party is liable for any removal costs and damages that another person is relieved of under subsection (1) of this section.
- (4) Nothing in this section affects the liability of a responsible party for oil spill response under Kentucky law.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1924, effective July 15, 2010. -- Created 1996 Ky. Acts ch. 173, sec. 2, effective July 15, 1996.