

## **455B.751 Definitions.**

As used in this division, unless the context otherwise requires:

1. *"Acquired"* means purchased, leased, obtained by inheritance or descent and distribution, or obtained by foreclosure sale under chapter 654, nonjudicial voluntary foreclosure under section 654.18, deed in lieu of foreclosure under section 654.19, foreclosure without redemption under section 654.20, or nonjudicial foreclosure of nonagriculture mortgages under chapter 655A.
2. *"Hazardous substance"* means the same as defined in section 455B.381 or 455B.411.
3. *"Hazardous waste"* means the same as defined in section 455B.411.
4. *"Potentially responsible party"* means a person whose acts or omissions were a proximate cause of the contamination of the acquired property, or a person whose negligent acts or omissions are a proximate cause of injury or damages resulting from exposure to such contamination. Injury or damages to persons or property arising by reason of contamination that migrates from the acquired property shall not be deemed to be caused by an act or omission of the person that acquired the property, except to the extent that the act or omission of such person exacerbated the release of such contamination.
5. *"Regulated substance"* means the same as defined in section 455B.471.
6. *"Response action"* means any action taken to reduce, minimize, eliminate, clean up, control, assess, or monitor a release of hazardous substances, hazardous waste, or regulated substances to protect the public health, safety, or the environment.
7. *"Third party"* means any person other than a person that holds indicia of title to property as identified in section 455B.752, subsection 1, or that has acquired property as identified in section 455B.752, subsection 2.
8. *"Third-party liability"* means any liability or obligation, other than contractual obligations that specifically waive all or part of the immunity provided by section 455B.752, arising out of or resulting from contamination of property by a hazardous substance, hazardous waste, or a regulated substance, including without limitation, claims for illness, personal injury, death, consequential damages, exemplary damages, lost profits, trespass, loss of use of property, loss of rental value, reduction in property value, property damages, or statutory or common law nuisance.

2004 Acts, ch 1141, §75, 79