

Senate Amendment 5284

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1 1 Amend House File 2484, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 39, by inserting after line 27 the
1 4 following:
1 5
1 6 REAL PROPERTY FINANCIAL LIABILITY
1 7 Sec. _____. NEW SECTION. 455B.751 DEFINITIONS.
1 8 As used in this division, unless the context
1 9 otherwise requires:
1 10 1. "Acquired" means purchased, leased, obtained by
1 11 inheritance or descent and distribution, or obtained
1 12 by foreclosure sale under chapter 654, nonjudicial
1 13 voluntary foreclosure under section 654.18, deed in
1 14 lieu of foreclosure under section 654.19, foreclosure
1 15 without redemption under section 654.20, or
1 16 nonjudicial foreclosure of nonagriculture mortgages
1 17 under chapter 655A.
1 18 2. "Hazardous substance" means the same as defined
1 19 in section 455B.381 or 455B.411.
1 20 3. "Hazardous waste" means the same as defined in
1 21 section 455B.411.
1 22 4. "Potentially responsible party" means a person
1 23 whose acts or omissions were a proximate cause of the
1 24 contamination of the acquired property, or a person
1 25 whose negligent acts or omissions are a proximate
1 26 cause of injury or damages resulting from exposure to
1 27 such contamination. Injury or damages to persons or
1 28 property arising by reason of contamination that
1 29 migrates from the acquired property shall not be
1 30 deemed to be caused by an act or omission of the
1 31 person that acquired the property, except to the
1 32 extent that the act or omission of such person
1 33 exacerbated the release of such contamination.
1 34 5. "Regulated substance" means the same as defined
1 35 in section 455B.471.
1 36 6. "Response action" means any action taken to
1 37 reduce, minimize, eliminate, clean up, control,
1 38 assess, or monitor a release of hazardous substances,
1 39 hazardous waste, or regulated substances to protect
1 40 the public health, safety, or the environment.
1 41 7. "Third party" means any person other than a
1 42 person that holds indicia of title to property as
1 43 identified in section 455B.752, subsection 1, or that
1 44 has acquired property as identified in section
1 45 455B.752, subsection 2.
1 46 8. "Third-party liability" means any liability or
1 47 obligation, other than contractual obligations that
1 48 specifically waive all or part of the immunity
1 49 provided by section 455B.752, arising out of or
1 50 resulting from contamination of property by a
2 1 hazardous substance, hazardous waste, or a regulated
2 2 substance, including without limitation, claims for
2 3 illness, personal injury, death, consequential
2 4 damages, exemplary damages, lost profits, trespass,
2 5 loss of use of property, loss of rental value,
2 6 reduction in property value, property damages, or
2 7 statutory or common law nuisance.
2 8 Sec. _____. NEW SECTION. 455B.752 IMMUNITY FROM
2 9 THIRD-PARTY LIABILITY.
2 10 A person that holds indicia of ownership of
2 11 property contaminated by a hazardous substance,
2 12 hazardous waste, or regulated substance, and that
2 13 satisfies all of the conditions provided in section
2 14 455B.381, subsection 7, paragraphs "a", "b", and "c",
2 15 or section 455B.471, subsection 6, paragraph "b",
2 16 subparagraphs (1), (2), and (3), or a person that has
2 17 acquired property contaminated by a hazardous
2 18 substance, hazardous waste, or regulated substance,
2 19 shall not be liable to any third party for any third=
2 20 party liability arising from such contamination
2 21 provided that all of the following apply:
2 22 1. The person does not knowingly cause or permit a
2 23 new or additional hazardous substance, hazardous
2 24 waste, or regulated substance to arise on or from the

2 25 acquired property that injures a third party or
2 26 contaminates property owned or leased by a third
2 27 party.

2 28 2. The person is not a potentially responsible
2 29 party or affiliated with any potentially responsible
2 30 party by reason of any of the following:

2 31 a. Any direct or indirect familial relationship.
2 32 b. Any contractual, corporate, or financial
2 33 relationship, other than a contractual, corporate, or
2 34 financial relationship that is created by the
2 35 instruments by which title to the property is conveyed
2 36 or financed or by a contract for the sale of goods or
2 37 services.

2 38 c. A reorganization of a business entity that is
2 39 or was a potentially responsible party.

2 40 Sec. _____. NEW SECTION. 455B.753 ACCESS TO
2 41 PROPERTY.

2 42 A person that holds indicia of title to property or
2 43 a person that has acquired property as identified in
2 44 section 455B.752, shall provide reasonable access to
2 45 the acquired property to any potentially responsible
2 46 party or to any authorized regulatory authority for
2 47 the purpose of investigating or evaluating any
2 48 contamination, planning, or preparing a remedial plan
2 49 for any abatement of the contamination, and for any
2 50 required remediation.

3 1 Sec. _____. NEW SECTION. 455B.754 LEGAL
3 2 RESPONSIBILITY.

3 3 This division shall not be interpreted to affect
3 4 the legal responsibility to the state to conduct
3 5 response actions under any applicable state law. This
3 6 division shall not be interpreted to affect or provide
3 7 immunity from any criminal liability.

3 8 Sec. _____. EFFECTIVE DATE. This division of this
3 9 Act, being deemed of immediate importance, takes
3 10 effect upon enactment.>

3 11 #2. Title page, line 1, by striking the word
3 12 and inserting the following: 3 13 property institutions and assets>.

3 14 #3. Title page, by striking lines 2 and 3 and
3 15 inserting the following: 3 16 unions, real property loan lenders, and real property
3 17 financial liability.>

3 18 #4. By renumbering, redesignating, and correcting
3 19 internal references as necessary.

3 20
3 21

3 22 _____
3 23 JULIE HOSCH

3 24 HF 2484.504 80
3 25 kk/pj