

Senate Study Bill 1041 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to strict liability for a person in control of
2 hazardous substances.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 455B.392, subsection 1, paragraph a,
2 subparagraph (4), Code 2025, is amended to read as follows:

3 (4) The ~~excessive and extraordinary cost~~ reasonable costs
4 incurred by the state or its political subdivisions or the agents
5 of the state or a political subdivision ~~in responding~~ for any of
6 the following:

7 (a) Responding at and to the scene of a hazardous condition
8 caused by that person.

9 (b) Oversight and monitoring of a hazardous condition caused
10 by that person.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill imposes strict liability on a person having
15 control over a hazardous substance for the reasonable response,
16 oversight, and monitoring costs expended by the state or
17 political subdivision related to hazardous conditions created
18 by that person. Under current law, a person having control
19 over a hazardous substance is strictly liable for excessive
20 and extraordinary costs expended by the state or political
21 subdivision resulting from responding at and to the scene of a
22 hazardous condition created by that person.