

# Liability: Providing Assistance During Hazardous Materials Incident

## 76 Okl. St. 5.7

An individual, who, in good faith and without compensation, provides emergency care, assistance, or advice at the scene of an actual or imminent hazardous materials incident, will not be held legally responsible for damages. They can be held legally responsible if acting with extreme carelessness.

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### Accident or disaster involving hazardous materials?Immunity from civil liability

A. Any person who, in good faith and without prior compensation, renders emergency care, assistance, or advice at the scene of an accident or existing or impending disaster involving the use, handling, transportation, transmission, or storage of hazardous materials shall not be liable for damages resulting from the conduct of said person in rendering said care, assistance, or advice unless said damage was caused by the gross negligence of said person. The provisions of this section shall not affect the potential liability that any person may have which arises from the manufacture, generation, transportation, storage, or handling of any hazardous materials, or of any person who is engaged professionally and commercially in rendering said emergency care, assistance or advice.

B. The immunity from civil liability provided for by the provisions of this section shall extend only to the actions taken by persons in rendering care, assistance, or advice at the time of said accident or existing or impending disaster, and does not confer any of said immunity to any person for actions taken prior to or after the rendering of emergency care, assistance, or advice.

C. For the purposes of this section, the term hazardous materials means petroleum or petroleum products, or any other substance or compound which is toxic to human, animal, or plant life.