299A.52 RESPONSIBLE PARTY.

Subdivision 1. **Response liability.** A responsible party, as described in section 115B.03, is liable for the reasonable and necessary costs, including legal and administrative costs, of response to an emergency response incident or explosives disposal under section 299C.063 incurred by a state emergency response asset or local unit of government. For the purposes of this section, "hazardous substance" as used in section 115B.03 means "hazardous material" as defined in section 299A.49.

Subd. 2. **Expense recovery.** The commissioner shall assess the responsible party for an emergency response asset's costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs. Any funds received by the commissioner under this subdivision are appropriated to the commissioner to pay for costs for which the funds were received. Any remaining funds at the end of the biennium shall be transferred to the Fire Safety Account.

Subd. 3. **Attempted avoidance of liability.** For purposes of sections 299A.48 to 299A.52 and 299K.095, a responsible party may not avoid liability by conveying any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

History: *1992 c 593 art 2 s 7; 1Sp2021 c 11 art 2 s 13; 2023 c 52 art 5 s 20*