

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2656

"AN ACT TO CLARIFY THAT THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL
QUALITY HAS THE RIGHT OF SUBROGATION TO INSURANCE HELD BY
UNDERGROUND STORAGE TANK OPERATORS OR OWNERS."

Amendment No. 1 to House Bill No. 2656.

Amend House Bill No. 2656 as originally introduced:

Immediately following Section 1, add the following new section:

"SECTION 2. Arkansas Code § 8-7-908(f), concerning the recovery of costs of corrective action by the Arkansas Department of Environmental Quality related to third-party claims, is amended to read as follows:

(f)(1) In the event moneys are expended from the fund for third-party claims and the owner or operator was not at the time of the occurrence in substantial compliance, as defined by this subchapter and regulations promulgated hereunder, the department may recover from the owner or operator the amount of moneys expended from the fund for the third-party claim by filing an action in the appropriate circuit court or by using the administrative procedures set forth in § 8-7-804.

(2)(A) The department also has a right of subrogation:

(i) To any insurance policies in existence at the time of the occurrence to the extent of any rights the owner or operator of a site may have had under that policy; and

(ii) Against any third party who caused or contributed to the occurrence.

(B) The right of subrogation shall apply to sites where corrective action is taken by:

(i) Owners or operators; or

(ii) The department."



The Amendment was read _____

By: Representative Ledbetter
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Chief Clerk