



CHAPTER 143

ARTICLE 21A - OIL POLLUTION AND HAZARDOUS SUBSTANCES CONTROL

N.C.G.S. § 143-215.93A.

Limitation on liability of persons engaged in removal of oil discharges.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2011-145, s. 19.1(g) — second act in the lineage	21 September 2026, 05:54 UTC	02f2951049ebc199e5ee8cf9 - 12a1cf32587add46786493bc - 21068756bb8c8b49

§ 143-215.93A(a) Except as provided in subsection (b) of this section, a person is not liable under this Part, Part 2C of this Article, Articles 21 and 21B of this Chapter, other provisions of the General Statutes relating to protection of the environment or public health, Chapter 1B of the General Statutes, or common law causes of action in tort for removal costs or damages which result from, arise out of, or are related to the discharge or threatened discharge of oil, when such removal costs or damages result from acts or omissions in the course of rendering care, assistance, or advice consistent with the National Contingency Plan or as otherwise directed by the President of the United States, the Federal On-Scene Coordinator, the Governor, the Secretary, the Secretary of Public Safety, or any person designated to direct oil discharge removal activities by the President of the United States, the Governor, the Secretary, or the Secretary of Public Safety.

§ 143-215.93A(b) The limitation on liability under subsection (a) of this section does not apply:

- (1) To a responsible party;
- (2) To a response under CERCLA/SARA or under Part 4 of Article 9 of Chapter 130A of the General Statutes;
- (3) To a response under Part 3 of Article 9 of Chapter 130A of the General Statutes;
- (4) To a cleanup under Part 2A of this Article;
- (5) With respect to personal injury or wrongful death; or

- (6) If the person is grossly negligent or engages in willful misconduct.

§ 143-215.93A(c) A responsible party is liable for any removal costs and damages that another person is relieved of under this section.

§ 143-215.93A(d) Nothing in this section affects the obligation of an owner or operator to respond immediately to a discharge, or the threat of a discharge, of oil.

§ 143-215.93A(e) As used in this section:

- (1) "CERCLA/SARA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, 42 U.S.C. § 9601 et seq., as amended, and the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613, as amended.
- (2) "Damages" has the same meaning as in the Oil Pollution Act of 1990, 33 U.S.C. § 2701, and G.S. 143-215.94BB.
- (3) "Federal On-Scene Coordinator" means a person designated as such in the National Contingency Plan.
- (4) "National Contingency Plan" has the same meaning as in 33 U.S.C. § 1321, as amended.
- (5) "Oil Pollution Act of 1990" means the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484, which appears generally as 33 U.S.C. § 2701 et seq., as amended.
- (6) "Remove" or "removal" has the same meaning as in the Oil Pollution Act of 1990, 33 U.S.C. § 2701.
- (7) "Removal costs" has the same meaning as in the Oil Pollution Act of 1990, 33 U.S.C. § 2701.
- (8) "Responsible party" means a person who is a "responsible party" as defined in the Oil Pollution Act of 1990, 33 U.S.C. § 2701, and who is liable for removal costs or damages which result from, arise out of, or are related to the discharge or threatened discharge of oil.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

2 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1991		2001	2011
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1991	c. 432, s. 1	ENACTED
02	2011	S.L. 2011-145, s. 19.1(g)	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 143-215.94BB	(e)(2)	"1990, 33 U.S.C. § 2701, and"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 143-215.93A (2011).

PINPOINT

N.C. Gen. Stat. § 143-215.93A(a) (2011).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1991, c. 432, s. 1; 2011-145, s. 19.1(g).)

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