

REFERENCE TITLE: insurance requirement; chemical pollutants

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1268

Introduced by
Senators Landrum Taylor, Burton Cahill, Hale, McCune Davis, Miranda,
Pesquiera, Rios; Allen, Arzberger, Bee, Chevront, Soltero; Representative
Brown

AN ACT

AMENDING TITLE 26, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 26-347.01; RELATING TO POLLUTION LIABILITY INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 26, chapter 2, article 3, Arizona Revised Statutes,
3 is amended by adding section 26-347.01, to read:

4 26-347.01. Chemical pollutant emissions; liability insurance
5 coverage; definition

6 A. A PERSON WHO IS REQUIRED TO SUBMIT A RISK MANAGEMENT PLAN PURSUANT
7 TO 40 CODE OF FEDERAL REGULATIONS PART 68 OR WHO IS OTHERWISE SUBJECT TO THE
8 CHEMICAL ACCIDENT PREVENTION REGULATIONS ADOPTED PURSUANT TO SECTION 112(r)
9 OF THE CLEAN AIR ACT SHALL MAINTAIN LIABILITY INSURANCE COVERAGE FOR THE
10 FACILITY THAT IS SUBJECT TO THOSE REQUIREMENTS. THE LIABILITY INSURANCE
11 SHALL INSURE AGAINST LOSSES CAUSED BY POLLUTION THAT OCCURS AS A RESULT OF
12 THE CONDITIONS OF OR OPERATIONS OF THE FACILITY. THE LIABILITY INSURANCE
13 POLICY SHALL PROVIDE FOR COVERAGE OF AT LEAST TEN MILLION DOLLARS FOR EACH
14 OCCURRENCE AND FIFTY MILLION DOLLARS IN THE AGGREGATE AND SHALL INCLUDE
15 COVERAGE OF AT LEAST THE FOLLOWING:

- 16 1. ON-SITE AND OFF-SITE CLEANUP.
- 17 2. BODILY INJURY.
- 18 3. PROPERTY DAMAGE.

19 B. THE DIRECTOR OR ANY LOCAL OFFICIAL WITH AUTHORITY FOR PUBLIC HEALTH
20 AND SAFETY MAY REQUIRE PROOF OF INSURANCE FROM ANY PERSON WHO IS REQUIRED TO
21 HAVE INSURANCE AS PRESCRIBED BY THIS SECTION. ON FAILURE OR REFUSAL TO
22 PROVIDE PROOF OF INSURANCE TO THE DIRECTOR OR THE LOCAL OFFICIAL, AS
23 APPLICABLE, THE DIRECTOR SHALL NOTIFY THE LOCAL OFFICIAL AND THE LOCAL
24 OFFICIAL MAY REVOKE OR CANCEL ZONING, OCCUPANCY OR USE PERMITS HELD FOR THAT
25 FACILITY.

26 C. FOR THE PURPOSES OF THIS SECTION, "CLEAN AIR ACT" HAS THE SAME
27 MEANING PRESCRIBED IN SECTION 49-401.01.