

770 proposed agreement; and

771 (b) have been given an opportunity to comment on the proposed agreement prior to the
772 parties' entering into the agreement.

773 (6) (a) Any ~~§~~ **responsible** ~~§~~ party who incurs costs under this part in excess of [his]
773a ~~§~~ **[the] that** ~~§~~ party's liability ~~§~~ **and who gave at least 30 days prior written notice to**
773b **other responsible parties of the intent to incur costs and seek contribution under this part** ~~§~~
774 may seek contribution from any other ~~§~~ **responsible** ~~§~~ party ~~§~~ **to whom the prior written**
774a **notice was given and** ~~§~~ who is or may be liable under this
774a part for the
775 excess costs in the district court.

775a ~~§~~ **(b)** ~~§~~ The recovery of costs in this Subsection (6) is not conditioned
776 on the initiation or issuance by the director of any action or order allocating liability in
777 accordance with the director's discretionary authority to do so under Subsection (1).

778 ~~§~~ **[the]** ~~§~~ It is the intent of the Legislature that the amendment to this Subsection (6)
778a ~~§~~ **(b)** ~~§~~ by this
779 bill apply retroactively because the amendment only clarifies the Legislature's original intent to
780 grant a private cause of action to any ~~§~~ **responsible** ~~§~~ party to allow that ~~§~~ **responsible** ~~§~~
780a party to seek contribution that is not
781 dependent upon any action taken by the director.

782 [~~the~~] (c) In resolving claims made under Subsection (6)(a), the court shall allocate costs
783 using the standards in Subsection (2).

784 (7) (a) A party who has resolved his liability under this part is not liable for claims for
785 contribution regarding matters addressed in the agreement or order.

786 (b) (i) An agreement or order determining liability under this part does not discharge
787 any of the liability of responsible parties who are not parties to the agreement or order, unless
788 the terms of the agreement or order expressly provide otherwise.

789 (ii) An agreement or order determining liability made under this subsection reduces the
790 potential liability of other responsible parties by the amount of the agreement or order.

791 (8) (a) If the director obtains less than complete relief from a party who has resolved
792 his liability under this section, the director may bring an action against any party who has not
793 resolved his liability as determined in an order.

794 (b) In apportioning liability, the standards of Subsection (2) apply.

795 (c) A party who resolved his liability for some or all of the costs under this part may
796 seek contribution from any person who is not a party to the agreement or order.