

2019 Regular Session

HOUSE BILL NO. 290

BY REPRESENTATIVE PUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES: Provides relative to shippers of hazardous material

1 AN ACT

2 To amend and reenact R.S. 32:1519(A), (B), and (C)(1) and to enact R.S. 32:1519(D)(6),
3 relative to shippers of hazardous material; to require any person who ships hazardous
4 material be held responsible for remedial action taken as a result of any discharge or
5 disposal; to provide for a definition; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1519(A), (B), and (C)(1) are hereby amended and reenacted and
8 R.S. 32:1519(D)(6) is hereby enacted to read as follows:

9 §1519. Reimbursement of remedial costs

10 A. Any person who has transported or shipped a hazardous material as
11 defined in this Chapter, a hazardous substance as defined in R.S. 30:2272~~(4)~~, or a
12 hazardous waste as defined in R.S. 30:2173 shall be liable to the state for
13 undertaking remedial action or for all costs of remedial actions taken in cleaning up
14 any discharge or disposal at a pollution source or facility if it can be shown that the
15 hazardous material, hazardous substance₂, or hazardous waste was discharged or
16 disposed of directly by the transporter or shipper and either the transporter or shipper
17 directly caused the discharge or disposal for which remedial action must be
18 undertaken.

19 B.(1) The secretary may order any transporter or shipper causing a discharge
20 or disposal of a hazardous material, hazardous substance, or hazardous waste at a

1 pollution source or facility to take any remedial actions necessary to contain, abate,
2 cleanup, restore, or remove the discharge or disposal.

3 (2) When the secretary must file suit against a transporter or shipper to
4 recover remedial costs or to obtain remedial action, the court shall also award to the
5 state a penalty of twenty-five percent of the amount determined to be remedial costs.

6 C.(1) When the secretary orders one transporter or shipper to undertake
7 remedial action and other transporters, ~~or persons,~~ or shippers have caused or
8 contributed to the discharge or disposal, the transporter or shipper undertaking
9 remedial action may sue for reimbursement from any other transporter, ~~or person,~~
10 or shipper for the costs of remedial actions attributable to that transporter or person.

11 * * *

12 D. As used in this Section, the following terms shall have the following
13 meanings:

14 * * *

15 (6) "Shipper" means a person, partnership, association, or corporation who
16 tenders hazardous materials, hazardous substances, or hazardous waste to a motor
17 carrier or driver of a commercial motor vehicle for transportation in interstate or
18 intrastate commerce, or by sea or air.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 290 Original

2019 Regular Session

Pugh

Abstract: Requires a shipper of hazardous materials be held accountable for remedial actions taken in cleaning up any discharge or disposal of hazardous materials. Provides a definition for "shipper".

Present law holds any person who has transported a hazardous material, hazardous substance, or a hazardous waste liable to the state for costs of remedial action taken in cleaning up any discharge or disposal at a pollution source or facility if the transporter directly caused the discharge or disposal.

Proposed law extends present law to apply to shippers if the shipper directly causes the discharge or disposal.

Present law authorizes the secretary to order any transporter causing a discharge or disposal of a hazardous material, hazardous substance, or hazardous waste take any remedial actions necessary to contain, abate, cleanup, restore, or remove the discharge or disposal.

Proposed law extends present law to apply to shippers.

Present law requires the transporter, by court order, to pay a penalty of 25% of the amount determined to be remedial costs when the state has to sue the transporter to recover remedial costs or obtain remedial action.

Proposed law extends present law to apply to shippers.

Present law allows a transporter undertaking remedial action for discharge or disposal caused by or contributed to by other transporters or persons to bring suit against any other transporter or person for the costs of remedial actions attributable to that transporter or person.

Proposed law extends present law to apply to shippers if a shipper is undertaking remedial action for discharge or disposal caused by or contributed to by a transporter, person, or other shipper.

Proposed law defines "shipper" as a person, partnership, association, or corporation who tenders hazardous materials, hazardous substances, or hazardous waste to a motor carrier or driver of a commercial motor vehicle for transportation in interstate or intrastate commerce, or by sea or air.

(Amends R.S. 32:1519(A), (B), and (C)(1); Adds R.S. 32:1519(D)(6))