

2023 Regular Session

HOUSE BILL NO. 312

BY REPRESENTATIVE ROBBY CARTER

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

CIVIL/LAW: Provides relative to liability and damages resulting from carbon sequestration

1 AN ACT

2 To amend and reenact R.S. 30:1109(B) and to enact R.S. 30:1109(G), relative to liability;
3 to provide for strict liability; to provide relative to owners and operators of carbon
4 sequestration; to remove limitations on the recovery of noneconomic damages; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:1109(B) is hereby amended and reenacted and R.S. 30:1109(G)
8 is hereby enacted to read as follows:

9 §1109. Cessation of storage operations; liability release

10 * * *

11 ~~B.(1) In any civil liability action against the owner or operator of a storage~~
12 ~~facility, carbon dioxide transmission pipeline, or the generator of the carbon dioxide~~
13 ~~being handled by either the facility or pipeline, the maximum amount recoverable~~
14 ~~as compensatory damages for noneconomic loss shall not exceed two hundred fifty~~
15 ~~thousand dollars per occurrence, except where the damages for noneconomic loss~~
16 ~~suffered by the plaintiff were for wrongful death, permanent and substantial physical~~
17 ~~deformity, loss of use of a limb or loss of a bodily organ system; or permanent~~
18 ~~physical or mental functional injury that permanently prevents the injured person~~
19 ~~from being able to independently care for himself or herself and perform life~~
20 ~~sustaining activities. In such cases, the maximum amount recoverable as~~

Present law provides that the compensatory damages for noneconomic loss shall not exceed \$250,000 per occurrence. Present law further provides that in cases of wrongful death, permanent and substantial physical deformity, loss of use of a limb or bodily organ system, or permanent physical or mental functional injury, the maximum amount recoverable for noneconomic loss shall not exceed \$500,000 per occurrence.

Present law provides that if the application of present law is found to be unconstitutional or invalid, the maximum amount recoverable for noneconomic loss shall not exceed \$1 million per occurrence.

Proposed law removes the limitations of the maximum amount recoverable for noneconomic losses.

(Amends R.S. 30:1109(B); Adds R.S. 30:1109(G))