
DIGEST

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HB 312 Original

2023 Regular Session

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Abstract: Provides for strict liability for damages attributable to the geologic sequestration of carbon dioxide and eliminates limitations on the recovery of noneconomic damages.

Present law provides for civil liability actions against an owner or operator of a storage facility, carbon dioxide transmission pipeline, or generator of the carbon dioxide being handled by either the facility or pipeline.

Present law provides that the state shall not assume any liability by assuming ownership of a storage facility under present law. Present law also provides that the commissioner of the Dept. of Natural Resources or his agents are not liable for damages arising out of a good faith effort to carry out the purpose of present law.

Proposed law retains the exceptions in present law but provides that in all other cases, the owner or operator of a storage facility, carbon dioxide transmission pipeline, or generator of the carbon dioxide being handled by either the facility or pipeline shall be strictly liable for damages attributable to the owner or operator's actions in carbon sequestration.

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))