2023 Regular Session

HOUSE BILL NO. 301

BY REPRESENTATIVE ROMERO

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

MOTOR CARRIERS: Provides relative to compensation to wrecker service companies for costs associated with undertaking remedial action involving hazardous material accidents

1	AN ACT		
2	To amend and reenact R.S. 32:1519(A) and (C)(1) and to enact R.S. 32:1519(D)(5)(o),		
3	relative to motor carrier reimbursement of remedial costs; to provide for		
4	authorization for wrecker service companies to sue the responsible party for		
5	reimbursement regarding working a hazardous material accident; and provide for		
6	related matters.		
7	Be it enacted by the Legislature of Louisiana:		
8	Section 1. R.S. 32:1519(A) and (C)(1) are hereby amended and reenacted and R.S.		
9	32:1519(D)(5)(o) is hereby enacted to read as follows:		
10	§1519. Reimbursement of remedial costs		
11	A. Any person who has transported a hazardous material as defined in this		
12	Chapter, a hazardous substance as defined in R.S. 30:2272(4), or a hazardous waste		
13	as defined in R.S. 30:2173 or transporter who has worked a hazardous material		
14	accident shall be liable to the state for undertaking remedial action or for all costs of		
15	remedial actions taken in cleaning up any discharge or disposal at a pollution source		
16	or facility if it can be shown that the hazardous material, hazardous substance or		
17	hazardous waste was discharged or disposed of directly by the and the transporter		
18	directly caused the discharge or disposal for which remedial action must be		
19	undertaken.		

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	C.(1) When the secretary orders one transporter to undertake remedial action		
2	and other transporters or persons have caused or contributed to the discharge or		
3	disposal, the transporter or wrecker service company undertaking remedial action		
4	may sue for reimbursement from any other transporter or person responsible, or the		
5	responsible party's insurer, for the costs of remedial actions attributable to that		
6	transporter or person.		
7	* * *		
8	D. As used in this Section, the following terms shall have the following		
9	meanings:		
10	* * *		
11	(5) "Remedial cost" means, after the discharge or disposal of a hazardous		
12	substance, the cost of:		
13	* * *		
14	(o) Wrecker service companies undertaking remedial action involving		
15	hazardous material accidents.		

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)]

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Abstract: Authorizes wrecker service companies to sue to be reimbursed by the responsible person or their insurance company for remedial costs in connection with working hazardous material accidents.

<u>Present law</u> specifies that any person who has transported a hazardous material as defined in <u>present law</u> is liable to the state for undertaking remedial action or for all costs of remedial actions if it can be proved that the hazardous material, hazardous substance, or hazardous waste was discharged or disposed of directly by the transporter and the transporter directly caused the discharge or disposal for which remedial action must be undertaken.

<u>Proposed law</u> adds wrecker service companies working hazardous material accidents to those entitled to reimbursement of remedial costs.

(Amends R.S. 32:1519(A) and (C)(1); Adds R.S. 32:1519(D)(5)(o))