

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), relative to liability; to provide relative to owners
3 and operators of carbon sequestration; to remove limitations on the recovery of
4 noneconomic damages; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §1109. Cessation of storage operations; liability release

8 * * *

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

1. Remove the strict liability provision applicable to damages attributable to an owner or operator's actions concerning the geologic sequestration of carbon dioxide.
2. Make technical changes.