

2024 Regular Session

HOUSE BILL NO. 169

BY REPRESENTATIVE ROBBY CARTER

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; limited 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~~ five hundred
13 ~~fifty~~ thousand dollars per ~~occurrence~~ person, except where the damages for
14 noneconomic loss suffered by the plaintiff were for wrongful death; permanent and
15 substantial physical deformity, loss of use of a limb or loss of a bodily organ system;
16 or permanent physical or mental functional injury that permanently prevents the
17 injured person from being able to independently care for himself or herself and
18 perform life sustaining activities. In such cases, the maximum amount recoverable
19 as compensatory damages for noneconomic loss shall not exceed five hundred
20 thousand dollars per ~~occurrence~~ person.

1 (2) If Paragraph (1) of this Subsection, or the application thereof to any
 2 person or circumstance, is finally determined by a court of law to be unconstitutional
 3 or otherwise invalid, the maximum amount recoverable as damages for noneconomic
 4 loss shall thereafter not exceed one million dollars per ~~occurrence~~ person. This
 5 provision shall not supersede any contractual agreement with respect to liability
 6 between a plaintiff and an owner or operator of a storage facility, a carbon dioxide
 7 transmission pipeline, or the generator of the carbon dioxide.

8 * * *

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 169 Engrossed 2024 Regular Session Robby Carter

Abstract: Increases the limitation on the recovery of noneconomic damages related to carbon dioxide sequestration.

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

Present law provides that the compensatory damages for noneconomic loss cannot exceed \$250,000 per occurrence.

Proposed law increases the limit in present law to \$500,000 and specifies that the limit applies per person, rather than 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 cannot exceed \$500,000 per occurrence.

Proposed law modifies present law by providing that recovery for these losses cannot exceed \$500,000 per person.

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

Proposed law modifies present law by providing that recovery in this case cannot exceed \$1 million per person.

(Amends R.S. 30:1109(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Reinstatement of limitations on civil liability for noneconomic damages related to carbon dioxide sequestration.
2. Increase the general limitation on noneconomic damages from \$250,000 to \$500,000.
3. Change all limits on noneconomic damages related to carbon dioxide sequestration from per occurrence limits to per person limits.