
DIGEST

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HB 169 Engrossed

2024 Regular Session

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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. Reinstate 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.