HLS 24RS-606 REENGROSSED

2024 Regular Session

HOUSE BILL NO. 169

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BY REPRESENTATIVE ROBBY CARTER

CIVIL/LAW: Provides relative to liability and damages resulting from carbon sequestration

1 AN ACT

To amend and reenact R.S. 30:1109(B), relative to liability; to provide relative to owners

and operators of carbon sequestration; to provide relative to limitations on the

recovery of noneconomic damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§1109. Cessation of storage operations; limited liability release

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

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

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

* * *

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 Reengrossed

2024 Regular Session

Robby Carter

Abstract: Changes the limitation on the recovery of noneconomic damages related to carbon dioxide sequestration <u>from</u> per occurrence <u>to</u> per person.

<u>Present law</u> 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.

<u>Present law</u> provides that the state does not assume any liability by assuming ownership of a storage facility under <u>present law</u>. <u>Present law</u> 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 <u>present law</u>.

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

Proposed law changes this limit to \$250,000 per person, rather than per occurrence.

<u>Present law</u> 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.

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

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

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

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

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Summary of Amendments Adopted by House

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

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

The House Floor Amendments to the engrossed bill:

1. Decrease the general limitation on noneconomic damages <u>from</u> the <u>proposed law</u> amount of \$500,000 to the present law amount of \$250,000.