

Regular Session, 2014

HOUSE BILL NO. 617

BY REPRESENTATIVE ABRAMSON

CIVIL/DAMAGES: Provides a preemptive period for claims for certain damages

1 AN ACT

2 To enact Code of Civil Procedure Article 893.1, relative to exemplary damages; to provide
3 a preemptive period for certain actions for exemplary damages related to the storage,
4 handling, or transportation of hazardous or toxic substances; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 893.1 is hereby enacted to read as
8 follows:

9 Art. 893.1. Preemptive period; hazardous substance damages

10 Any action for exemplary damages authorized by Act No. 335 of the 1984
11 Regular Session of the Legislature and by Act No. 302 of the 1990 Regular Session
12 of the Legislature, that alleges the defendant's wanton or reckless disregard for public
13 safety in the storage, handling, or transportation of hazardous or toxic substances,
14 and that arises out of any alleged act or omission occurring on or after September 3,
15 1984, and prior to April 16, 1996, shall be filed in a court of competent jurisdiction
16 and proper venue on or before February 1, 2015. This period of limitation is a
17 preemptive period within the meaning of Civil Code Article 3458 and, in accordance
18 with Civil Code Article 3461, may not be renounced, interrupted, or suspended.

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)]

Abramson

HB No. 617

Abstract: Provides a preemptive period for an action for exemplary damages related to the storage, handling, or transportation of hazardous or toxic substances.

Proposed law establishes a preemptive period within which any claim for exemplary damages authorized by repealed law shall be filed.

Repealed law (C.C. Art. 2315.3) authorized an action for exemplary damages that resulted from any act of a defendant's wanton or reckless disregard for public safety in the storage, handling, or transportation of hazardous or toxic substances. Repealed law was enacted by Act No. 335 of the 1984 R.S., amended by Act No. 302 of the 1990 R.S and repealed by Act No. 2 of the 1996 1st Ex. Sess.

(Adds C.C.P. Art. 893.1)