

Regular Session, 2010

SENATE BILL NO. 547

BY SENATOR MARIONNEAUX

LIABILITY. Authorizes exemplary damages for certain activities. (8/15/10)

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AN ACT

To enact Civil Code Article 2315.8, relative to offenses and quasi offenses; to provide for exemplary damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 2315.8 is hereby enacted to read as follows:

Art. 2315.8. Additional damages; certain activities

In addition to general and special damages, exemplary damages may be awarded, if it is proved that the plaintiff's injuries were caused by the defendant's wanton or reckless disregard for public safety in the drilling, equipping, operating, or producing of an oil or gas well, or in the commercial storage, handling, or transportation of oil, gas, product of oil or gas, or hazardous or toxic substance.

Section 2. The provisions of this Act shall be retroactive to March 29, 2010.

The original instrument was prepared by Camille Sebastien Perry. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Marionneaux (SB 547)

Proposed law provides that, in addition to general and special damages, exemplary damages may be awarded if it is proved that the plaintiff's injuries were caused by the defendant's wanton or reckless disregard for public safety in the drilling, equipping, operating, or producing of an oil or gas well, or in the commercial storage, handling, or transportation of oil, gas, product of oil or gas, or hazardous or toxic substance.

Proposed law further provides that it shall be retroactive to March 29, 2010.

Effective Aug. 15, 2010.

(Adds C.C. Art. 2315.8)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill.

1. Changed language from "exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a person's willful and wanton misconduct" to "exemplary damages may be awarded if it is proved that the plaintiff's injuries were caused by the defendant's wanton or reckless disregard for public safety in the drilling, equipping, operating, or producing of an oil or gas well, or in the commercial storage, handling, or transportation of oil, gas, product of oil or gas, or hazardous or toxic substance".
2. Deleted effective upon signature of the governor and added that proposed law is retroactive to March 29, 2010.