

Regular Session, 2014

HOUSE BILL NO. 618

BY REPRESENTATIVE ABRAMSON

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

1 AN ACT

2 To amend and reenact the heading of Part III of Chapter 1 of Code Title XXIV of Code  
3 Book III of Title 9 of the Louisiana Revised Statutes of 1950 and to enact R.S.  
4 9:5812, relative to exemplary damages; to provide a preemptive period for certain  
5 actions for exemplary damages related to the storage, handling, or transportation of  
6 hazardous or toxic substances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The heading of Part III of Chapter 1 of Code Title XXIV of Code Book  
9 III of Title 9 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted and  
10 R.S. 9:5812 is hereby enacted to read as follows:

11 PART III. ALTERATION OF PRESCRIPTIVE AND PEREMPTIVE PERIODS

12 \* \* \*

13 §5812. Preemptive period; hazardous substance damages

14 Any action for exemplary damages authorized by Act No. 335 of the 1984  
15 Regular Session of the Legislature and by Act No. 302 of the 1990 Regular Session  
16 of the Legislature that alleges the defendant's wanton or reckless disregard for public  
17 safety in the storage, handling, or transportation of hazardous or toxic substances,  
18 and that arises out of any alleged act or omission occurring on or after September 3,

1        1984, and prior to April 16, 1996, shall be filed in a court of competent jurisdiction  
2        and proper venue on or before February 1, 2015. This period of limitation is a  
3        peremptive period within the meaning of Civil Code Article 3458 and, in accordance  
4        with Civil Code Article 3461, may not be renounced, interrupted, or suspended.

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## 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)]

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Abramson

HB No. 618

**Abstract:** Provide a peremptive period for an action for exemplary damages related to storage, handling, or transportation of hazardous or toxic substances.

Proposed law establishes a peremptive period within which any claim for exemplary damages authorized by repealed law shall be filed.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 1<sup>st</sup> Ex. Sess.

(Amends the heading of Part III of Ch. 1 of Code Title XXIV of Code Book III of Title 9 of the La. Revised Statutes of 1950; Adds R.S. 9:5812)