

Regular Session, 2012

SENATE BILL NO. 443

BY SENATOR MORRELL

LIABILITY. Provides relative to limited admission of liability in lawsuits for environmental damages. (8/1/12)

1 AN ACT  
2 To enact Code of Civil Procedure Article 1563, relative to liability and damages; to provide  
3 relative to limited admission of liability in environmental damages lawsuits; to  
4 provide for effect of such limited admission on a determination of damages; to  
5 provide for the admissibility of such a limited admission in any action; and to  
6 provide for related matters.  
7 Be it enacted by the Legislature of Louisiana:  
8 Section 1. Code of Civil Procedure Article 1563 is hereby enacted to read as follows:  
9 **Art. 1563. Limited admission of liability in environmental damages lawsuits;**  
10 **effects;**  
11 **If any party admits liability for environmental damage pursuant to R.S.**  
12 **30:29, that party may elect to limit this admission of liability for environmental**  
13 **damage to responsibility for implementing the most feasible plan to evaluate,**  
14 **and if necessary, remediate all or a portion of the contamination that is the**  
15 **subject of the litigation to applicable regulatory standards. If such an**  
16 **admission is limited to a party's responsibility for implementing the most**  
17 **feasible plan, the admission shall not be construed as an admission of liability**

1           **for damages under R.S. 30:29(H), nor shall such an admission result in a waiver**  
2           **of any rights or defenses of the admitting party. An admission of responsibility**  
3           **as provided in this Article, for implementing the most feasible plan and the**  
4           **plan approved by the Department of Natural Resources, shall be admissible as**  
5           **evidence in any action.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

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#### DIGEST

Proposed law provides that if any party admits liability for environmental damage pursuant to R.S. 30:29, concerning remediation of oilfield sites and exploration and production sites, that party may choose to limit that admission to responsibility for implementing the most feasible plan to evaluate, and if necessary, remediate all or a portion of the contamination that is the subject of the litigation to applicable regulatory standards.

Proposed law further provides that if such a limited admission is made, that admission shall not be construed as an admission of liability for damages under R.S. 30:29(H), concerning judicial remedies and awards for certain private claims and additional remediation, nor shall such an admission result in any waiver of any rights or defenses of the admitting party. Proposed law further provides such admission, and any resulting remediation plan approved by the Department of Natural Resources, shall be admissible as evidence in any action.

Effective August 1, 2012.

(Adds C.C.P. Art.1563)