
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Proposed law provides for legislative findings.

Proposed law provides that a manufacturer, seller and distributor of substandard construction materials, and any contractor who purchases for installation or installs substandard construction materials into a residential dwelling shall be liable to the owner or occupant of any such residential dwelling who has suffered damage as a result of the substandard construction materials.

Proposed law provides that any party liable to the owner or occupant of a residential housing unit for damages under proposed law shall be liable in solido for any such damages with any foreign corporation not authorized to do business in Louisiana who is a manufacturer, seller or distributor of the construction materials.

Proposed law provides any construction materials incorporated into a residential dwelling that are hazardous or toxic or that emit hazardous or toxic gases, fumes or vapors shall be considered substandard per se within the meaning of proposed law.

Proposed law provides that in addition to any cause of action allowed under proposed law or under any other provision of law, the owner or occupant of any residential housing unit who has experienced loss or damage as a result of the incorporation into his dwelling of construction materials that are hazardous or toxic or that emit hazardous or toxic gases, fumes or vapors shall also have a cause of action for the cost of future medical treatment, services, surveillance, or procedures related to monitoring of the effects of exposure to the hazardous or toxic construction materials or any hazardous or toxic gases, fumes or vapors given off by the construction materials, if it can be shown that there is a risk of disease or injury as a result of such exposure.

Proposed law provides that when the residential dwelling contains construction materials that are hazardous or toxic or that emit hazardous or toxic gases, fumes or vapors, in addition to general and special damages, damages in the amount of three times such general and special damages may be awarded upon proof that the manufacture, distribution, sale or incorporation of such construction materials was in wanton and reckless disregard for public health and safety.

Effective August 15, 2009.

(Adds R.S. 40:600.81 - 600.88)