

Regular Session, 2012

HOUSE BILL NO. 618

BY REPRESENTATIVE ABRAMSON

CIVIL/PROCEDURE: Provides relative to admissions of liability for environmental damage

1 AN ACT

2 To enact Code of Civil Procedure Article 1563, relative to liability for environmental  
3 damage; to provide for limitations on the effect of an admission of liability; to  
4 provide for admissibility of evidence; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1563 is hereby enacted to read as follows:

7 Art. 1563. Admissions of liability for environmental damage

8 If any party admits liability for environmental damage pursuant to R.S. 30:29,  
9 the party may elect to limit the admission of liability for environmental damage to  
10 responsibility for implementing the most feasible plan to evaluate, and if necessary,  
11 remediate all or a portion of the contamination that is the subject of the litigation to  
12 applicable regulatory standards. If such an admission is limited to a party's  
13 responsibility for implementing the most feasible plan, the admission shall not be  
14 construed as an admission of liability for damages pursuant to R.S. 30:29(H), nor  
15 shall such an admission result in any waiver of any rights or defenses of the  
16 admitting party. An admission of responsibility, as provided for in this Article, for  
17 implementing the most feasible plan and the plan approved by the department shall  
18 be admissible as evidence in any action.

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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:** Provides for the limitation of the effect of an admission of liability in an oilfield remediation suit and provides that such admissions are admissible in evidence.

Proposed law provides that if any party admits liability for environmental damage in an action for remediation of an oilfield site, the party may elect to limit the admission of liability to responsibility for implementing the most feasible plan to evaluate, and if necessary, to remediate all or a portion of the contamination.

Proposed law provides that if an admission is limited to a party's responsibility for implementing the most feasible plan, the admission shall not be construed as an admission of liability for damages pursuant to present law nor shall such an admission result in any waiver of any rights or defenses of the admitting party.

Proposed law provides that an admission of responsibility for implementing the most feasible plan shall be admissible as evidence in any action.

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