

Regular Session, 2014

HOUSE BILL NO. 936

BY REPRESENTATIVE MONToucET

MINERALS: Provides for rights of subsequent purchasers property relative to environmental damages

1 AN ACT

2 To enact R.S. 30:29.2, relative to civil actions for environmental damages to property; to
3 authorize an action for damages under certain circumstances; to provide for
4 prescription; to provide for legislative intent; to provide for applicability; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:29.2 is hereby enacted to read as follows:

8 §29.2. Right of landowner to claim property damages

9 Notwithstanding any provision of law to the contrary, the current owner of
10 any property subject to the provisions of R.S. 30:29 or 2015.1 shall have a right of
11 action to assert claims for non-apparent environmental damages that were caused or
12 sustained prior to his acquisition of the property and which he had no actual
13 knowledge at the time of acquisition. This right of action includes but is not limited
14 to the right to assert any delictual or contractual claim of any prior owner of the
15 property, provided such claims have not prescribed prior to the current owner's
16 acquisition of the property.

17 Section 2. The provisions of this Act shall apply both prospectively and
18 retroactively, and are intended to legislatively overrule the cases of *Eagle Pipe and Supply,*
19 *Inc. v. Amerada Hess Corporation, et al.*, 2011 WL 5865523, 2010-C-2267 (La. 2011), and
20 *Prados v. South Central Bell Tel. Co.*, 329 So.2d 744 (La. 1975).

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)]

Montoucet

HB No. 936

Abstract: Authorizes a right of action by a property owner for environmental damages to property which occurred prior to the purchase of the property.

Proposed law provides that the current owner of any property subject to the provisions of R.S. 30:29 or 2015.1 shall have a right of action to assert claims for non-apparent environmental damages that were caused or sustained prior to his acquisition of the property, and that the right of action includes the right to assert any delictual or contractual claim of any prior owner of the property.

Proposed law provides that the provisions of proposed law shall apply both prospectively and retroactively, and are intended to legislatively overrule the cases of *Eagle Pipe and Supply, Inc. v. Amerada Hess Corporation, et al.*, 2011 WL 5865523, 2010-C-2267 (La. 2011), and *Prados v. South Central Bell Tel. Co.*, 329 So.2d 744 (La. 1975).

(Adds R.S. 30:29.2)