

2024 Regular Session

HOUSE BILL NO. 973 (Substitute for House Bill No. 858 by Representative Ventrella)

BY REPRESENTATIVE VENTRELLA

CIVIL/ACTIONS: Provide relative to the limitation of liability for recreational landowners

1 AN ACT

2 To amend and reenact R.S. 9:2795(A)(2) and (3), (B)(1)(c) and (2), (E)(2)(c) and (d) and
3 (F), and to enact R.S. 9:2795(B)(3), relative to recreational landowner immunity; to
4 provide for definitions; to provide relative to recreational activities; to provide for
5 a limitation of liability; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2795(A)(2) and (3), (B)(1)(c) and (2), (E)(2)(c) and (d) and (F)
8 are hereby amended and reenacted and R.S. 9:2795(B)(3) is hereby enacted to read as
9 follows:

10 §2795. Limitation of liability of landowner of property used for recreational
11 purposes; property owned by the Department of Wildlife and Fisheries; parks
12 owned by public entities

13 A. As used in this Section:

14 * * *

15 (2) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant
16 or person in control of the ~~premises~~ land.

17 (3) "Recreational purposes" includes but is not limited to any of the
18 following, or any combination ~~thereof~~ of the following activities: hunting, fishing,
19 trapping, swimming, boating, camping, picnicking, hiking, horseback riding, bicycle
20 riding, motorized, or nonmotorized vehicle operation for recreation purposes, nature

1 study, water skiing, ice skating, roller skating, roller blading, skate boarding,
2 sledding, snowmobiling, snow skiing, summer and winter sports, equestrian
3 activities, football, soccer, basketball, baseball, softball, tennis, and golf, or viewing
4 or enjoying historical, archaeological, scenic, or scientific sites.

5 * * *

6 B. (1)

7 * * *

8 (c) Incur liability for any injury to person or property caused by any defect
9 in the land, or any hazardous condition, regardless of whether naturally occurring or
10 man-made.

11 (2) The provisions of this Subsection shall apply to owners of commercial
12 recreational developments or facilities for injury to persons or property arising out
13 of ~~the commercial~~ non-commercial recreational activity permitted at the commercial
14 recreational development or facility ~~that occurs on land which does not comprise the~~
15 ~~commercial recreational development or facility~~ and over which the owner has no
16 control when the recreational activity commences, occurs, or terminates on the
17 commercial recreational development or facility.

18 (3) Except for intentional or grossly negligent acts, the limitation of liability
19 provided in this Section shall extend to any employee, agent, or assignee acting on
20 behalf of, or for the benefit of the owner, regardless of whether any action or inaction
21 on the part of the owner caused or contributed to any injury to person or property.

22 * * *

23 E.

24 * * *

25 (2)

26 * * *

27 (c) For purposes of the limitation of liability afforded to parks pursuant to
28 this Section this limitation does not apply to playground equipment or stands or
29 bleachers which are defective.

1 (d) The limitation of liability as extended to parks in this Section shall not
2 apply to intentional or grossly negligent acts by an employee, agent, or assignee of
3 the public entity.

4 F. The limitation of liability extended by this Section to the owner, lessee,
5 or occupant of ~~premises~~ the land shall not be affected by the granting of a lease, right
6 of use, or right of occupancy for any recreational purpose which may limit the use
7 of the premises to persons other than the entire public or by the posting of the
8 premises so as to limit the use of the premises to persons other than the entire public.

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)]

HB 973 Original

2024 Regular Session

Ventrella

Abstract: Provides for a limitation of liability for recreational landowners and their agents or assignees.

Present law (R.S. 9:2795(A)(2)) defines "owner" as the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the premises.

Proposed law specifies that the owner is in possession of land instead of premises.

Proposed law (R.S. 9:2795(A)(3)) adds equestrian activities, football, soccer, basketball, softball, tennis, and golf to the definition of recreational purposes.

Present law (R.S. 9:2795(B)(1)) provides that except for willful or malicious failure to warn against a dangerous condition, an owner of land, except an owner of commercial recreational developments or facilities, who permits any person to use his land for recreational purposes does not incur liability for any injury to person or property caused by any defect in the land.

Proposed law expands present law to include any hazardous condition.

Present law (R.S. 9:2795(B)(2)) provides that present law applies to owners of commercial recreational developments or facilities for injury to persons or property arising out of commercial recreational activity permitted at the recreational development that occurs on land not compromising the commercial recreational development or facility.

Proposed law provides that present law applies to any injury to persons or property arising out of non-commercial recreational activity permitted at the commercial recreational development and removes the requirement that the activity occur on land not compromising the recreational development or facility.

Proposed law (R.S. 9:2795(B)(3)) provides that, except for intentional or grossly negligent acts, proposed law shall extend to any employee, agent, or assignee acting on behalf of or for the benefit of the owner regardless of whether any action of the owner contributed to the injury.

Present law (R.S. 9:2795(E)(2)(c)) provides that the limitation of liability provided by present law shall not apply to defective playground equipment.

Proposed law expands present law to include defective bleachers.

Present law (R.S. 9:2795(E)(2)(d)) provides that the limitation of liability provided by present law shall not apply to intentional or grossly negligent acts by an employee of the public entity.

Proposed law expands present law to include intentional or grossly negligent acts by an agent or assignee of the public entity.

(Amends R.S. 9:2795(A)(2) and (3), (B)(1)(c) and (2), (E)(2)(c) and (d) and (F); Adds R.S. 9:2795(B)(3))