

2026 Regular Session

HOUSE BILL NO. 720

BY REPRESENTATIVE RISER

PROPERTY/PUBLIC: Provides relative to the tacit dedication of roads

1 AN ACT

2 To amend and reenact R.S. 48:491(B)(1)(c) and (2) and to enact R.S. 48:491(B)(3), relative
3 to tacit dedication of public roadways; to provide for the term of a tacit dedication
4 of a roadway maintained by a parish or municipality; to provide for public works and
5 improvements on tacitly dedicated rights of way; to provide for susceptibility to
6 private sale; to provide for revocation; to provide for retroactive application; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 48:491(B)(1)(c) and (2) are hereby amended and reenacted and R.S.
10 48:491(B)(3) is hereby enacted to read as follows:

11 §491. Public roads

12 * * *

13 B.(1)

14 * * *

15 (c) Actual or constructive knowledge is conclusively presumed within all
16 parishes and municipalities, ~~except as otherwise provided by R.S. 48:491(B)(3)~~, if
17 the total period of such maintenance is four years or more, unless prior thereto and
18 within sixty days of such actual or constructive knowledge, the prescription is
19 interrupted or suspended in any manner provided by law.

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 720 Engrossed

2026 Regular Session

Riser

Abstract: Establishes that roadways obtained by a parish or municipality through tacit dedication and any public works within the right-of-way of tacitly dedicated roadways remain public and subject to public use until the parish or municipality formally revokes the dedication.

Present law provides that when a parish or city maintains a private roadway for a certain number of years, the road becomes public.

Present law further establishes the conditions under which this tacit dedication may be proven or presumed and provides procedures for a parish or municipality to dispose of public roads.

Proposed law retains present law and clarifies that a road that has been tacitly dedicated to the public under present law remains public and subject to public use unless the parish or municipality formally revokes the dedication.

Proposed law further provides that any public works or improvements made by the parish or municipality in the right-of-way of the dedicated public roadway are also public, subject to public use, and remain public unless the dedication is revoked as required by proposed law.

Proposed law clarifies that a public roadway that has been tacitly dedicated to the public cannot be alienated by private sale.

Provides for prospective and retroactive application.

(Amends R.S. 48:491(B)(1)(c) and (2); Adds R.S. 48:491(B)(3))