

2015 Regular Session

HOUSE BILL NO. 706

BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/CIVIL: Provides a limitation of liability for certain facilities operated by nonprofit youth organizations

1 AN ACT

2 To amend and reenact R.S. 9:2795(A)(1) through (4), (C), (D), (E)(2)(a), (b), and (d), and
3 (F), and to enact R.S. 9:2795(A)(6) through (8), relative to a limitation of liability
4 for certain nonprofit youth organizations; to provide for definitions; to extend the
5 limitation of liability to nonprofit youth organizations and youth adventure activities;
6 to provide for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2795(A)(1) through (4), (C), (D), (E)(2)(a), (b), and (d), and (F)
9 are hereby amended and reenacted and R.S. 9:2795(A)(6) through (8) are hereby enacted to
10 read as follows:

11 §2795. Limitation of liability of landowner of property used for recreational
12 purposes or youth adventure activities; property owned by the Department
13 of Wildlife and Fisheries; parks owned by public entities and nonprofit youth
14 organizations

15 A. As used in this Section:

16 (1)~~(4)~~ "Charge" means the admission price or fee asked in return for
17 permission to use lands.

18 (2) "Land" means urban or rural land, roads, water, watercourses, private
19 ways or buildings, structures, and machinery or equipment when attached to the
20 realty.

1 C. Unless otherwise agreed in writing, the provisions of Subsection B shall
2 be deemed applicable to the duties and liability of an owner of land leased for
3 recreational purposes or youth adventure activities to the federal government or any
4 state or political subdivision thereof, nonprofit youth organizations, or private
5 persons.

6 D. Nothing in this Section shall be construed to relieve any person using the
7 land of another for recreational purposes or youth adventure activities from any
8 obligation which he may have in the absence of this Section to exercise care in his
9 use of such land and in his activities thereon, or from the legal consequences of
10 failure to employ such care.

11 E.

12 * * *

13 (2)(a) The limitation of liability provided in this Section shall apply to any
14 lands, whether urban or rural, which are owned, leased, or managed as a public park
15 by the state or any of its political subdivisions, or managed as a youth adventure
16 center by any nonprofit youth organization, and which are used for recreational
17 purposes or youth adventure activities.

18 (b) The provision of supervision on any land managed as a public park by
19 the state or any of its political subdivisions, or managed as a youth adventure center
20 by any nonprofit youth organization, does not create any greater duty of care which
21 may exist and does not create a duty of care or basis of liability for personal injury
22 or for damage to personal property caused by the act or omission of any person
23 responsible for security or supervision of park or youth adventure center activities,
24 except as provided in Subparagraph (E)(2)(d) of this Section.

25 * * *

26 (d) The limitation of liability as extended to parks in this Section shall not
27 apply to intentional or grossly negligent acts by an employee of the public entity or
28 nonprofit youth organization.

1 F. The limitation of liability extended by this Section to the owner, lessee,
2 or occupant of premises shall not be affected by the granting of a lease, right of use,
3 or right of occupancy for any recreational purpose or youth adventure activities
4 which may limit the use of the premises to persons other than the entire public or by
5 the posting of the premises so as to limit the use of the premises to persons other than
6 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 706 Original

2015 Regular Session

Miguez

Abstract: Defines and extends the present law limitations of liability to "nonprofit youth organizations" which operate youth adventure centers for youth adventure activities.

Present law provides a limitation of liability for owners of property, including public parks, which are used for recreational purposes.

Present law excludes from the limitation of liability acts constituting a willful and malicious failure to warn against dangerous conditions or structures.

Present law provides that the limitation of liability as extended to parks shall not apply to intentional or grossly negligent acts by an employee of the public entity.

Present law provides that the limitation of liability afforded parks does not extend to defective playground equipment or stands.

Proposed law defines and extends the present law limitations of liability to "nonprofit youth organizations" which operate youth adventure centers for youth adventure activities.

(Amends R.S. 9:2795(A)(1) - (4), (C), (D), (E)(2)(a), (b), and (d), and (F); Adds R.S. 9:2795(A)(6) - (8))