

2016 Regular Session

HOUSE BILL NO. 856

BY REPRESENTATIVE HUVAL

LIABILITY/CIVIL: Provides a limitation of liability for landowners who grant a right of passage to cemeteries

1 AN ACT

2 To enact R.S. 9:2800.23, relative to the granting of a voluntary right of passage to enclosed
3 cemeteries; to provide a limitation or liability for granting a voluntary right of
4 passage; to provide for exceptions; to provide for revocability; to provide
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.23 is hereby enacted to read as follows:

8 §2800.23. Limitation of liability for granting voluntary right of passage to enclosed
9 cemetery

10 A. The owner of property adjoining an enclosed cemetery who grants a
11 voluntarily right of passage to persons who desire to have access to the enclosed
12 cemetery shall not be liable for any injury, death, loss, or damages to persons using
13 the voluntary right of passage to access the enclosed cemetery.

14 B. The owner of the property granting the voluntary right of passage owes
15 no duty of care to keep such property safe for entry or use by persons using the right
16 of passage to access the enclosed cemetery and is not extending a duty of care or any
17 assurance that the property is safe, or assuming responsibility for or incurring
18 liability for any injury, death, loss, or damages to persons or property caused by any
19 act of a person using the voluntary right of passage.

1 C. The limitation of liability provided by this Section shall not apply to
2 intentional or grossly negligent acts by the landowner granting the voluntary right
3 of passage.

4 D. The granting of the voluntary right of passage shall be revocable by the
5 owner of the adjoining property at any time, without the requirement of notice, and
6 no acquisitive prescriptive period shall apply to the voluntary right of passage.

7 E. For purposes of this Section:

8 (1) "Adjoining property" means any property, whether contiguous to the
9 enclosed cemetery or not, over which a voluntary right of passage to a public road
10 may be granted.

11 (2) "Enclosed cemetery" means a cemetery to which there is no access to a
12 public road other than across adjoining property.

13 (3) "Voluntary right of passage" means a passage of ingress and egress to an
14 enclosed cemetery from a public road which passage is suitable for the kind of
15 traffic, whether pedestrian or vehicular, that is reasonably necessary for access for
16 personal, historic, or other non-commercial purposes. The voluntary right of passage
17 does not include any passage granted in return for payment of any form of
18 consideration to the adjoining landowner.

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 856 Original

2016 Regular Session

Huval

Abstract: Provides a limitation of liability for property owners who grant a voluntary right of passage to an adjoining enclosed cemetery.

Proposed law provides that an owner of property adjoining an enclosed cemetery who voluntarily grants a right of passage to persons who desire to have access to an enclosed cemetery shall not be liable for any injury, death, loss, or damages to persons using the voluntary right of passage.

Proposed law provides that an owner granting the voluntary right of passage owes no duty of care to keep such property safe for entry or use by persons using the right of passage, and that the owner is not extending an assurance that the property is safe, or assuming responsibility for or incurring liability for any injury, death, loss, or damages to persons or property caused by any act of a person using the voluntary right of passage.

Provides that proposed law shall not apply to intentional or grossly negligent acts by the adjoining property owner.

Proposed law specifies that the granting of the voluntary right of passage shall be revocable at any time, and that no acquisitive prescriptive period shall apply.

Proposed law defines "adjoining property", "enclosed cemetery", and "voluntary right of passage".

(Adds R.S. 9:2800.23)