Government Immunities from Liability

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Any and every unfortunate event does not, and should not, give rise to lawsuit.

– Judge Mills Lane

Though it is certainly preferable to avoid a lawsuit in the first place, once a governing body is entangled in litigation, defense counsel must be aware of, and avail the government of, the statutory immunities available for certain types of claims. These should be pled as affirmative defenses in the pleadings filed responsive to the petition.

LA Constitution Article 12, Section 10

We start with the legislative/constitutional partial abolition of sovereign immunity:

(A) No Immunity in Contract and Tort. ***Neither the state, a state agency, nor a political subdivision shall be immune from suit and liability in contract or for injury to person or property.***

This preserves sovereign immunity for all "other suits," which the legislature may waive by statute[1]:

(B) Waiver in Other Suits. The legislature may authorize other suits against the state, a state agency, or a political subdivision. A measure authorizing suit shall waive immunity from suit and liability.

BUT, government immunities/limitations on liability have been established legislatively pursuant to constitutional authority to do so:

(C) Limitations; Procedure; Judgments. Notwithstanding Paragraph (A) or (B) or any other provision of this constitution, ***the legislature by law may limit or provide for the extent of liability of the state, a state agency, or a political***

[1] For a discussion on sovereign immunity and "other suits" in Louisiana, see *Two O'Clock Bayou v. State*, 415 So.2d 990 (La. App. 3 Cir 5/26/1982); *Crooks v. State*, 21-716 (La. App. 3 Cir 5/29/22), 343 So.3d 248

<u>subdivision in all cases, including the circumstances giving rise to liability and the kinds and amounts of recoverable damages.</u> It shall provide a procedure for suits against the state, a state agency, or a political subdivision and provide for the effect of a judgment, but no public property or public funds shall be subject to seizure. The legislature may provide that such limitations, procedures, and effects of judgments shall be applicable to existing as well as future claims. No judgment against the state, a state agency, or a political subdivision shall be exigible, payable, or paid except from funds appropriated therefor by the legislature or by the political subdivision against which the judgment is rendered.

<u>Police and Firefighter Immunity (La. R.S. 9:2793.1)</u>

A. ***No person shall have a cause of action against a public entity or the officers and employees thereof for damage to property at the site of a crime, accident, or fire, including without limitation the destruction or deterioration of property, caused while the officer or employee was acting within the course and scope of his office or employment and while taking reasonable remedial action which is necessary to abate a public emergency, unless such damage was caused by willful or wanton misconduct or gross negligence.***

B. (1) As used in this Section, “public entity” means the state, or a political subdivision thereof which maintains a department responsible for fire protection, and its fire department, or a law enforcement agency, office, or department responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state, and its law enforcement agency, office, or department.

(2) For purposes of this Section, the term “public emergency” includes any emergency in which there is a potential threat to life or property requiring immediate or remedial action, in order to insure the safety and health of persons and property, including an emergency created by apparent violation of the criminal laws of this state or an emergency created by fire.

Also known as a “Good Samaritan” law, this immunity does not apply to actions for personal injuries arising from police or firefighting interventions.[2] Further, circumstances may demand a judicial determination of whether the actor was within the course and scope of his office or employment at the time.[3] This is particularly relevant, as

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[2] *Matlock v. Hankel*, 96-CA-1838 (La. App. 4 Cir. 2/11/98), 707 So.2d 1016

[3] *Johnson v. Transit Management of Southeast Louisiana*, 2017-CA-0793 (La. App. 4 Cir. 2/28/18), 239 So.3d 973)

motor vehicles accidents and other property damages may result while emergency personnel are in route to scenes of public emergencies.

The Attorney General has opined that members of 911 communication districts fall under the umbrella of this liability regarding actions taken while engaging in any emergency preparedness activity, or while exercising judgment in the formation and implementation of policy.[4] Expansion of this immunity beyond activities intimately related to a particular emergency also raise the question of the Public Duty Doctrine – i.e., if a government's actions relate to a duty owed to the general public, the government may not be held liable to a specific individual for a breach of that general duty.[5]

Recreational Use Immunity (La. R.S. 9:2795)

Neatly stated, the immunity is summarized as follows:

> *An owner of land who permits with or without charge any person to use his land for recreational purposes does not hereby incur liability for any injury to person or property caused by any defect in the land regardless of whether naturally occurring or man-made.*

Oddly, there is another statute that is still in Title 9, but it is redundant and outdated - La. R.S. 9:2791. This statute has been repealed by implication, and La. R.S. 9:2795 is the statute that governs these types of claims and RUI.[6]

Burden of proof:

The government must first establish its *prima facie* entitlement to the immunity, then the burden shifts to opponents to prove that there is some statutory exception to the application of the immunity in that particular suit.[7] Here are the elements that the government must prove.

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[4] Atty. Gen. Opinion No. 99-189

5 *Thomas v. Gallant*, 99-C-0126 (La. App. 4 Cir. 5/5/99), 733 So.2d 1236

[6] *Hayes v. Burlington Resources Oil and Gas Company,* 09-1353 (La. App. 3 Cir. 4/7/10), 34 So.3d 1009

[7] *Souza v. St. Tammany Parish***,** 2001-2198 (La. App. 1 Cir. 6/8/12), 93 So3d 745.

(1) Ownership

"Owner" means "the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises" - actual ownership is not required - and the immunity flows to both the municipality and a private party lessor/renter.[8]

(2) Land

"Urban or rural land, roads, water, watercourses, private ways or buildings, structures, and machinery or equipment when attached to the realty," but this definition has been legislatively expanded to include urban areas and man-made structures. "Land" can be imbedded fencing, swimming pools, hiking and biking trails, etc. Anything that is either actual land or something attached thereto.

(3) Recreational Purposes

Those purposes include, but are not limited to, any of the following activities, or any combination thereof: hunting, nature study, fishing, water skiing, trapping, ice skating, swimming, roller skating, boating, roller blading, camping, skate boarding, picnicking, sledding, hiking, snowmobiling, horseback riding, snow skiing, bicycle riding, summer and winter sports, motorized or nonmotorized, viewing or enjoying historical sites, vehicle operation for recreation, archaeological, scenic, or scientific sites.

Exceptions to RUI Eligibility

(1) Willful or malicious failure to warn

Warn against what? The statute says, "a dangerous condition, use, structure, or activity." La. R.S. 9:2800 is persuasive in determining what is "dangerous." A malicious failure to warn is defined as, "an injury committed against a person at the prompting of malice or hatred toward him, or done spitefully or wantonly," and an intentional act designed to bring about a desired injury.[9] By contrast, a willful failure to warn is described as connoting "a conscious course of action, that is knowingly taken or not taken, which

[8] *Simoneaux v. Lafayette Consolidated Government*, CW 12-774, CA 12-969 (La. App. 3 Cir. 5/1/13), 2013 WL 1858612

[9] *Rushing v. State*, 381 So.2d 1250 (La. App. 1 Cir. 1980)

would likely cause injury, with a conscious indifference to the consequences thereof."[10] The courts look to factors like how often similar instances have occurred, the proximity of similar incidents to claimant's, and, most importantly, at factors to establish what the municipality knew or should have known about the danger

2) Intentional or grossly negligent acts

This exception is limited to acts "by an employee of the public entity." An intentional act is tantamount to a malicious injury as defined above, and gross negligence is similarly compared with a willful act as defined above. The courts have defined the latter as an "egregious failure to protect" the public, and "a reckless or callous disregard of, or indifference to, the rights or safety of others." Generally, there must be a showing that the employee acted with a "conscious indifference" to the safety of the public. [11]

3) Commercial recreational developments or facilities

The intention to derive a profit is essential for a recreational area to be deemed a commercial development, and profit must be the primary objective of the venture.[12] You may still charge the public for use of the facility, so that is not the determining factor. The question is whether the developed area was created with the intention of making money.

4) Defective playground equipment or stands

This means the actual physical condition of the equipment or stands, NOT the respective positioning of them, or the design or layout of the recreational area. [13]

Building Official Immunities

After Hurricane Katrina, increased burdens were placed on local governments, but the legislature also added, or confirmed, that municipalities are entitled to immunity under

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[10] *Lambert v. State*, 912 So.2d 426, 40,170 (La. App. 2 Cir. 9/30/05); Price v. Exxon Corp., 664 So.2d 1273, 1995 0392 (La. App. 1 Cir. 11/9/95)

[11] *Rushing*, *supra*

[12] *Van Pelt v. Morgan City Power Boat Association et al.*, 489 So.2d 1346 (La. App. 1 Cir.5/28/86); *Pratt v. State*, 408 So.2d 336 (La. App. 3 Cir., 12/16/81)

[13] *DeLafosse v. Village of Pine Prairie*, 08B693 (La.App. 3 Cir. 12/10/08), 998 So.2d 1248, *writs denied*, 09B74 (La.2/4/09), 999 So.2d 766

certain situations related to construction.

(1) **La. R.S. 40:1730.23** *(La. R.S. 9:2798.1)*

Local governments are charged with enforcing the provisions of the Louisiana State Uniform Construction Code and mandatory code adoptions through permitting and inspection. **La. R.S. 40:1730.23** states, in pertinent part:

> C. In connection with the construction of any building, structure, or other improvement to immovable property, ***neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee*** by a governmental enforcement agency as to durability or fitness, or as a warranty or guarantee by a governmental enforcement official or a third-party provider who contracts with a municipality or parish as provided for in R.S. 40:1730.24(A), that said building, structure, or other improvement to immovable property or any materials, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way. In the enforcement of any provision of a construction code provided for in this Part, or any regulations governed by R.S. 33:4771 *et seq.*, the ***performance or non-performance of any procedure by a governmental enforcement agency, contract employee, or official shall be deemed to be a discretionary act and shall be subject to the provisions of R.S. 9:2798.1.*** (Emphasis added)

La. R.S. 9:2798.1 is discussed in more detail later in the materials, but in short, in the absence of outrageous, reckless and flagrant misconduct by a building official or municipal representative in the context of code enforcement, discretionary immunity applies, and liability may not be imposed.[14]

(2) **La. R.S. 33:4772**

> (3) ***Nothing contained in this Subpart or in any building code shall be construed as establishing or imposing upon a political subdivision a duty, special or otherwise, to or for the benefit of any individual person or group***

14 *Hawkins v. Willow, Inc.*, 12-CA-160 (La. App. 5 Cir. 10/16/12), 102 So.3d 900

of persons.

This language echoes the Public Duty Doctrine and relates specifically to the enforcement of locally-adopted building codes. The obligations of the local government in an enforcement context are established in Title 33, but under the plain wording of this statute, liability cannot be proven because there is no duty owed to a particular plaintiff or group of plaintiffs.[15]

(3) La. R.S. 33:4773

This provision is generally seen as an extension of section 4772, though it is more specific and speaks more to a claimant's cause of action, rather than proof issues. Again, this section relates specifically to the enforcement of local building codes Subsection D of this statute provides:

> In connection with the construction of any building, structure, or other improvement to the immovable property, ***neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by an enforcement agency as to durability or fitness, or as a warranty or guarantee by an enforcement agency*** that said building, structure, or other improvement to immovable property or any material, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way. (Emphasis added) [16]

Tax Collector/Assessor Immunity (La. R.S. 47:2124)

Effective January 1, 2009, the legislature reorganized, consolidated and recodified the laws governing the collection of property taxes, tax sales, adjudications, redemptions

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15 *Id.*; *Fields v. Lofton*, 712 So.2d 268, 1997-0884 (La.App. 1 Cir. 5/15/98), *writs denied*, 725 So.2d 488, 1998 1621 (La. 9/25/98)

16 *King v. Bourgeois*, 2004 CA 1106 (La. App. 1 Cir. 5/6/05), 903 So.2d 549 – revocation of a building permit is discretionary; Hawkins, *supra* - parish was immune from suit for any and all acts of alleged negligence in permitting the building of a subdivision upon land that allegedly was not suitable for that purpose and the approving of any individual home construction.

and public sales, placing all of those statutes under La. R.S. 47:2121 *et seq*. La. R.S. 47:2124 provides:

> ***A. Tax collectors and tax assessors shall bear no liability, either in their personal or in their official capacity, arising out of any redemption nullity.***

A "redemption nullity" means the right of a person to annul a tax sale in accordance with R.S. 47:2286 because they were not duly notified at least six months before the termination of the redemptive period. The failure of a tax collector to properly notify a tax debtor that the 3-year redemptive period is going to terminate at least six months in advance will likely result in the subsequent sale being annulled, but liability cannot be imposed on the tax collector.

The statute continues, in Subsection B, to provide even broader immunity:

> B. ***Liability shall not be imposed on tax collectors or tax assessors or their employees based upon the exercise or performance or the failure to exercise or perform their duties under this Chapter***.

Thus, absent the exception discussed next, a violation of ANY of the procedures set forth in Title 47 cannot result in the imposition of liability on the tax collector or assessor.

The express exception is for, "acts or omissions which constitute criminal, fraudulent, malicious, intentional, willful, outrageous, reckless, or flagrant misconduct" (see Subsection C). The statute also sets prescriptive periods for bringing any action against a tax collector/assessor and provides that any liability that may arguably be imposed on a tax collector/assessor terminates when they leave office and a new tax collector/assessor takes over.

Intoxicated Driver Immunity (La. R.S. 9:2798.4)

> ***A. Neither the state, a state agency, or a political subdivision of the state nor any person shall be liable for damages, including those available under Civil Code Article 2315.1 or 2315.2, for injury, death, or loss of***

the operator of a motor vehicle, aircraft, watercraft, or vessel . . .

But Only If:

1) It must be proven by the government claiming this protection that the claimant was operating while their blood alcohol concentration was 0.08 percent or more (g/cm^3); OR that the claimant was operating while under the influence of a controlled dangerous substance per Titles 14 and 40 (Subsections (A)(1) and (2)).
   - There is an exception for a claimant who is taking a controlled substance pursuant to a valid prescription, or if a health care provider verifies that he has furnished the claimant with that substance (Subsection D).
   - The best evidence of this would arguably be post-accident medical records evidencing alcohol and toxin screens, but this will likely still require some expert testimony.

2) The trier of fact must find that the claimant was over 25% negligent in causing the accident as a result of intoxication, and that the claimant's negligence was a contributing factor causing the damage (Subsections (B)(1) and (2))
   - This seems repetitive, but it's 2 different analyses: 1) did the intoxication result in contributory negligence of more than 25%? 2) did the intoxication cause the damage that plaintiff is claiming?[17]

* Note that the statute reserves a claimant's right to file a claim against their own insurer, even if all of the above factors are proven (Subsection (E))

Discretionary Immunity (La. 9:2798.1)

This is one of the most often invoked immunity defenses for public entities, which

[17] *Stead v. Swanner*, 10-CA-371 (La. App. 5 Cir. 12/28/10), 52 So.3d 1149

by definition in Subsection A include, “the state and any of its branches, departments, offices, agencies, boards, commissions, instrumentalities, officers, officials, employees, and political subdivisions and the departments, offices, agencies, boards, commissions, instrumentalities, officers, officials, and employees of such political subdivisions.” The statute paints with a VERY broad brush here, seeming to indicate that any entity operating under color of law to effectuate a governmental purpose may be entitled to discretionary immunity, stated as follows:

> ***B. Liability shall not be imposed on public entities or their officers or employees based upon the exercise or performance or the failure to exercise or perform their policymaking or discretionary acts when such acts are within the course and scope of their lawful powers and duties.***

Courts have developed a two-step test for determining when this immunity applies to public officers or employees.

(1) The immunity does not apply when a statute, regulation, or policy specifically prescribes a course of action, *i.e.*, where there is no element of choice or discretion involved.

(2) Immunity is only conferred where the discretionary action involves the permissible exercise of a policy judgment grounded in social, economic or public policy.[18]

Most litigation stems from the second prong of the test. There is a presumption that when a government employee exercises discretion given to them by virtue of a statute or regulation, they are doing so based on the same policy concerns that animate the controlling statute or regulation itself, and that their action is therefore entitled to discretionary function immunity.[19] The US Supreme Court has provided guidance, through its

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18 *Wilson v. Davis*, 2007-1929 (La. App. 1 Cir. 5/28/08), 991 So.2d 1052, citing *Fowler v. Roberts*, 556 So.2d 1 (La. 1989)

19 *State of La. v. Public Investors, Inc*., C.A. 5 (La.)1994, 35 F.3d 216, *rehearing denied*

interpretation of similar language in the Federal Tort Claims Act, indicating that the longstanding distinction between "operational" and "nonoperational" decisions should be rejected.[20] Yet, Louisiana courts continue to make the distinction for certain government actions, often defining decisions regarding maintenance of infrastructure – even if it is in furtherance of public policy – to be “operational” and therefore not covered by discretionary immunity.[21]

Further, in 2003, the Louisiana Supreme Court called into question the legitimacy of the two-step analysis, calling its prior opinion in *Fowler* “faulty.”[22] Subsequently, appellate courts have called into questions the Supreme Court’s reasoning, so most continue to utilize the two-part test when arguing discretionary immunity.[23] As there is no clarity or consistency as to where the line is drawn for “operational” versus “policy” actions, the courts will continue to handle each specific set of facts as cases are considered.

The provisions contained in this immunity have become increasingly of interest as discussion regarding police actions have escalated. Since many suits alleging improper police action are filed in federal court, the discussion regarding Title 9’s discretionary immunity has become intertwined with federal concepts of Qualified Immunity, which employs different prongs (discussed briefly below).

Assuming that both prongs of the test are satisfied, there is still an exception from discretionary immunity protection for “criminal, fraudulent, malicious, intentional, willful, outrageous, reckless or flagrant misconduct.” Again, an outrageous, reckless or flagrant action is one that is committed with an element of conscious design, paired with a utter lack of care to the consequences of that act.[24]

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[20] *U.S. v. Gaubert*, 89-1793 (US 3/26/91), 499 U.S. 315, 111 S.Ct. 1267

[21] See e.g., *Franatovich v. St. Bernard*, 2011-A-1128 (La. App. 4 Cir. 3/21/12), 88 So.3d 1169

[22] *Gregor v. Argenot Great Cent. Ins. Co*., 2002-1138 (La. 5/20/03), 851 So.2d 959

[23] See e.g., *Doe v. ABC School*, 2019-CA-0983 (La. App. 1 Cir. 12/17/20), 316 So.3d 1086

[24] *Sommer v. State, Dept. of Transportation and Development*, 1997 1928 (La. App. 4 Cir. 3/29/00), 758 So.2d 923; *Brown v. Red River Parish School Bd.*, App. 2 Cir. 1986, 488 So.2d 1132

La. R.S. 9:2800 – Public Entities and "Defective Things"

Once again, the law provides a broad definition of "public entity" here. Subsection B provides an "out" regarding liability for improvements placed on state property by a third party, establishing that the state only becomes liable for any damages caused by the improvements once the right to keep the improvements has expired, and then only if the state has affirmatively taken control of and utilized the improvement for its benefit and use.

Regarding all public entitles, the statute provides, in pertinent part:

> ***C.*** . . . ***no person shall have a cause of action based solely upon liability imposed under Civil Code Article 2317 against a public entity for damages caused by the condition of things within its care and custody unless the public entity had actual or constructive notice of the particular vice or defect which caused the damage prior to the occurrence, and the public entity has had a reasonable opportunity to remedy the defect and has failed to do so.***

This is not *per se* an immunity, but rather a definitive statement of plaintiff's burden of proof in cases against public entities for "defective things." In order for the plaintiffs to prevail in their negligence claim, plaintiffs must prove:

(1) that the defendant owned or had custody of the thing that caused the damage;

** Note that the public entity need not own the property; it could be private property over which the entity has custody or control, such as a right of way*

(2) that the thing was defective in a particular way and that it created an unreasonable risk of harm to others;

** What "unreasonable" means is the lynchpin for much litigation*

(3) that defendant had actual or constructive knowledge of the particular vice or defect before the incident;

** Constructive notice is defined as "the existence of facts which infer actual knowledge" (Subsection (D))*

(4) that it failed to take corrective action within the reasonable time during which it could have done so; and

(5) causation.[25]

Most litigation discusses what is "an unreasonable risk of harm," and examines whether the defect was open and obvious[26]; the size, duration, and report history of the defect[27]; and risk-utility / cost-benefit analyses.[28]

The statute provides an allowance for governments who inspect a site over which they have no custody or control pursuant to reports/complaints of a defective condition and voluntarily takes steps to warn the public of the condition (barricades, alerts, spray painting, etc.). In such cases, the public entity does NOT gain custody or control through those actions as long as they notify the public entity that DOES have custody and control over the property of the defect within a reasonable amount of time (Subsection (E)).

COVID -19 Immunity (La. R.S. 9:2800.25)

In the wake of the 2019 pandemic, the legislature considered myriad measures to limit liability for both public and private entities arising from the spread of the Coronavirus (including La. R.S. 17:439.1, which relates to the liability of schools). Here, it has created broad immunity that applies to all levels of government (as well as private persons).

> A. ***No natural or juridical person, state or local government, or political subdivision thereof shall be liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 in the course of or through the performance or provision of the person's, government's, or political subdivision's business operations*** unless the person, government, or political subdivision failed to substantially comply with the applicable COVID-19 procedures established by the federal, state, or local agency which governs the business operations and the injury or death was caused by the person's, government's, or political subdivision's gross negligence or wanton or reckless misconduct. If two or more sources of procedures are applicable to the business operations at the

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25 *Cunningham v. City of Shreveport*, 39,873 (La. App. 2 Cir. 8/9/05); 908 So.2d 1214; *Burnett v. Lewis*, 2002-0020 (La. App. 4 Cir. 7/9/03); 852 So. 2d 519; Wilson v. City of New Orleans, 95-2129 (La. App. 4 Cir. 4/3/97); 693 So. 2d 344

26 *Alexander v. City of Baton Rouge*, 739 So.2d 262 (La. App. 1 Cir 6/25/99)

27 *Boyle v. Board of Supervisors, Louisiana State University*, 685 So.2d 1080 (La. Sup. 1/14/97)

28 *Chambers v. Moreauville*, 2011-C-898 (La. 1/24/12), 85 So.3d 593

time of the actual or alleged exposure, the person, government, or political subdivision shall substantially comply with any one applicable set of procedures.

B. ***No natural or juridical person, state or local government, or political subdivision thereof***, nor specifically a business event strategist, association meeting planner, corporate meeting planner, independent trade show organizer or owner, or any other entity hosting, promoting, producing or otherwise organizing an event of any kind, ***shall be held liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 in the course of or through the performance of hosting, promoting, producing or otherwise organizing, planning or owning a tradeshow, convention, meeting, association produced event, corporate event, sporting event, or exhibition of any kind***, unless such damages were caused by the gross negligence or willful or wanton misconduct.

This statute creates two types of immunities. The first is a sweeping immunity for any government operations with one exception that has two elements: (1) the government must have failed to "substantially comply" with safety/mitigation procedures; and (2) the injury/death was caused by the government's gross negligence or wanton/reckless misconduct.

The second specifically regards liability arising from gatherings and events, providing absolute immunity for those planning, hosting, and executing the event unless the injury/death was caused by gross negligence or willful or wanton misconduct.

There is virtually no jurisprudence yet regarding this provision, nor is there robust administrative guidance, so it remains to be seen what criteria, if any, will be developed surrounding the notions of "gross negligence" and "willful/wanton/reckless misconduct."

NOTE: The immunities above and below are not mutually exclusive, and all possible immunities should be affirmatively plead in responsive pleadings.

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§ 2799.6. Limitation of liability for damages from long-term consumption of food and nonalcoholic beverages

§ 2800. Limitation of liability for public bodies

§ 2800.1. Limitation of liability for loss connected with sale, serving, or furnishing of alcoholic beverages

§ 2800.2. Psychologist, psychiatrist, marriage and family therapist, licensed professional counselor, and social worker; limitation of liability

§ 2800.3. Limitation of liability of persons designing, supervising or performing hazardous waste mitigation, abatement, or cleanup and asbestos removal, abatement, or cleanup services

§ 2800.4. Limitation of liability of owner of farm or forest land; owner of oil, gas, or mineral property

§ 2800.5. Immunity from liability for owners of block safe-houses

§ 2800.6. Burden of proof in claims against merchants

§ 2800.7. Repealed by Acts 2010, No. 706, § 2, eff. Jan. 1, 2012

§ 2800.8. Property adjudicated to local governmental subdivision; liability of owner of record

§ 2800.9. Action against a person for abuse of a minor

§ 2800.10. Immunity from liability for injuries sustained while committing a felony offense

§ 2800.11. Limitation of liability; municipal or parish airport authority; parked aircraft

§ 2800.12. Liability for termination of a pregnancy

§ 2800.13. Violation of transportation statute or regulation; determination of causation; evidence

§ 2800.14. Limitation of liability for damages to oyster leases

§ 2800.15. Limitation of liability for commercial and marine contractors, architects, and engineers, and persons licensed by the Louisiana Manufactured Housing Commission; mold and mold damage

§ 2800.16. Limitation of liability; Louisiana Public Defender Board members

§ 2800.17. Liability for the diminution in the value of a damaged vehicle

§ 2800.18. Limitation of liability for volunteer medical transportation pilots

§ 2800.19. Limitation of liability for use of force in defense of certain crimes

§ 2800.20. Limitation of liability for a nonprofit health care quality improvement corporation; health care providers; health plans; reporting and disclosure of information

§ 2800.21. Limitation of liability for curators and undercurators; acts of interdicts

§ 2800.22. Limitation of liability for use of school facilities

§ 2800.23. Limitation of liability for damages caused by persons with developmental disabilities

§ 2800.24. Limitation of liability for granting voluntary right of passage to enclosed cemetery

§ 2800.25. Limitation of liability for COVID–19

§ 2800.26. Nonprofit limitation of liability; disclosure of certain information to prospective employer

§ 2800.27. Recoverable past medical expenses; collateral sources; limitations; evidence (this is not an immunity, rather a damages formulary)

§ 2800.28. Limitation of liability for veterinary professionals who report animal cruelty

§ 2800.29. Liability for publishers and distributors of material harmful to minors