

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 856

2016 Regular Session

Huval

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

Synopsis of Senate Amendments

1. Deletes provision requiring that the granting of the voluntary right of passage shall be revocable by the owner of the adjoining property at any time, without the requirement of notice, and that no acquisitive prescriptive period shall apply to the voluntary right of passage.
2. Adds provision specifying that a voluntary right of passage cannot be unreasonably withheld by the owner, but may be limited to reasonable times and durations and may follow a path designated by the owner.
3. Changes the definition of an "enclosed cemetery".
4. Adds a provision specifying that the proposed law only applies to an enclosed cemetery located within a parish having a population of more than 50,000 and less than 52,200 according to the latest federal decennial census.
5. Adds technical bureau amendments.

Digest of Bill as Finally Passed by Senate

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 applies only to an enclosed cemetery located within a parish having a population of more than 50,000 and less than 52,200 according to the latest federal decennial census.

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 a voluntary right of passage cannot be unreasonably withheld by the owner, but may be limited to reasonable times and durations and may follow a path designated by the owner.

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

(Adds R.S. 9:2800.23)