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DIGEST

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SB 129 Reengrossed

2017 Regular Session

Allain

Present law provides that the owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway.

Proposed law provides that such owner is bound to indemnify his neighbor for the damage he may occasion.

Proposed law further provides that it shall have prospective application only.

(Amends R.S. 9:1254(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Changed "compensate" to "reasonably compensate".
2. Added prospective application only.

Senate Floor Amendments to engrossed bill

1. Restricts reasonable compensation to his neighbor for the right and servitude acquired if it is used for commercial or business purposes.
2. Retains indemnity requirement.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill:

1. Delete provisions requiring reasonable compensation for the right and servitude acquired if it is used for commercial or business purposes.