

RÉSUMÉ DIGEST

ACT 548 (HB 388)

2018 Regular Session

Hodges

Existing law provides a limitation of liability for the National Voluntary Organizations Active in Disaster or its member organizations who gratuitously render disaster relief or recovery services, except for acts involving gross negligence or willful and wanton misconduct.

New law retains existing law and adds a similar limitation of liability applicable to other volunteers.

Existing law provides for the Emergency Management Assistance Compact which, in part, provides that officers or employees of a state, political subdivisions, or local governments rendering aid to another state pursuant to the compact shall be considered agents of the requesting state for purpose of liability and immunity.

New law extends the application of existing law to registered and credentialed volunteer organizations and private entities contracted with the state or local governments.

New law authorizes the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to establish a registry of volunteers to be deployed either by GOHSEP or the parish office of homeland security and emergency preparedness. Defines "volunteer" and authorizes GOHSEP to provide credentials, including identification cards or badges for volunteers. Requires, at a minimum, a check of volunteers on the state sex offender and child predator registry. A federal and state background check may be required in some circumstances, depending upon the mission of the volunteer. Requires the costs of the background check to be paid by the volunteer or his affiliated agency.

New law provides that registered and credentialed volunteers shall be treated as unpaid agents of the state or parish when acting in the course and scope of their deployment. Further requires them to make every effort when deployed to coordinate with local officials, and allows them to receive certain commodities at the discretion of the director of GOHSEP.

New law further provides that GOHSEP may coordinate the sharing of equipment between public and private entities to meet the needs of an emergency or disaster.

Effective August 1, 2018.

(Amends R.S. 9:2793.8, R.S. 29:733(C)(Art. 6), and R.S. 33:4712.18(A)(3); Adds R.S. 29:735.4 and R.S. 42:1102(18)(b)(iii))