# SLS 20RS-392

#### ORIGINAL

2020 Regular Session

SENATE BILL NO. 94

BY SENATOR ALLAIN

LIABILITY. Provides for limitation of liability of a landowner of property used for recreational purposes and award of attorney fees and court costs under certain circumstances. (8/1/20)

1	AN ACT
2	To amend and reenact R.S. 9:2795(A)(1) and to enact R.S. 9:2795(G), relative to the
3	limitation of liability of a landowner of property used for recreational purposes; to
4	provide for definitions; to provide for the award of reasonable attorney fees and court
5	costs in certain circumstances; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 9:2795(A)(1) is hereby amended and reenacted and R.S. 9:2795(G)
8	is hereby enacted to read as follows:
9	§2795. Limitation of liability of landowner of property used for recreational
10	purposes; property owned by the Department of Wildlife and
11	Fisheries; parks owned by public entities
12	A. As used in this Section:
13	(1) "Land" means urban or rural land, roads, water, water bottoms,
14	watercourses, private ways or buildings, structures, and machinery or equipment
15	when attached to the realty.
16	* * *
17	G. The court may award reasonable attorney fees and court costs to the

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. SB 94 Original

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## owner in any civil action if the court finds that the owner is immune from suit

## in accordance with Subsection B of this Section.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

#### DIGEST 2020 Regular Session

Allain

<u>Present law</u> provides for limitations of liability of landowners of property used for recreational purposes.

<u>Present law</u> provides that an owner, except in certain circumstances, who permits any person to use his land for recreational purposes, with or without charge, does not thereby:

- (1) Assure that the premises are safe for any purposes.
- (2) Grant the person the legal status of an invitee or licensee to whom a duty of care is owed.
- (3) Incur liability for any injury to person or property caused by any defect in the land regardless of whether naturally occurring or man-made.

Proposed law retains present law.

Proposed law provides for the definition of land to include water bottoms.

<u>Proposed law</u> provides that the court may award reasonable attorney fees and court costs to the owner in any civil action if the court finds that the owner is immune from suit in accordance with <u>present law</u>.

Effective August 1, 2020.

(Amends R.S. 9:2795(A)(1); adds R.S. 9:2795(G))