

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 435

2020 Regular Session

Abraham

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

LIABILITY. Provides relative to certain immunity from civil liability during state of emergencies. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

- 1 Removes "clear and convincing" as the threshold for evidence proving damages resulting from or related to COVID-19.
- 2. Technical amendments

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 435 Engrossed

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Present law provides for the La. Homeland Security and Emergency Assistance and Disaster Act (Act).

Present law provides for certain powers of the state and political subdivisions during a declared state of emergency.

Proposed law retains present law.

Present law provides for certain immunity from civil liability for actions taken under the Act by state, political subdivisions, other agencies, agents, employees or representatives of any of them.

Proposed law provides such immunity for action taken under the Act by the state, political subdivision, other state agencies or employees or representatives of any of them.

Proposed law provides that notwithstanding any other provision of present law to the contrary, no person or entity, including any local or state governmental entity or employee thereof, shall be liable for damages or personal injury resulting from or related to an actual or alleged exposure to COVID-19 in the course of or through such person or entity's business services or while engaged in the performance of such person or entity's duties, provided that the person or entity was relying on and generally followed applicable government standards and guidance related to COVID-19 exposure.

Proposed law provides that the limitation of liability shall not apply to any damages which resulted from or are related to the actual or alleged exposure to COVID-19 which is shown by the evidence to be the result of gross negligence, willful misconduct, or intentional criminal misconduct.

Proposed law provides that the right of any person to receive benefits to which he would otherwise be entitled under the workers' compensation law shall not be affected.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 29:735(A)(1), adds R.S. 29:773)

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