
DIGEST

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HB 686 Reengrossed

2024 Regular Session

McFarland

Abstract: Provides for rights of owners of pipeline servitudes.

Present law provides that the extent of a servitude includes a right of use to enjoyment at creation and rights that might later become necessary as long as there is no greater burden on the property.

Present law specifies requirements for a servitude or right of way obtained for the installation of facility. Requires the person obtaining the servitude or right of way attach a plat, sketch, or aerial photograph identifying the location.

Proposed law specifies application to predial servitudes and personal servitudes of use.

Proposed law provides that the extent of a pipeline servitude or right of way shall be limited to the physical space in which the pipeline rests and the surface area and space necessary to undertake the activity expressly contemplated by the pipeline servitude or right of way. Provides that proposed law applies to all servitudes or rights of way.

Proposed law provides that limitations on the use of such property must be reflected by a plat or sketch delineating physical boundaries.

(Amends C. C. Art. 642 and R.S. 9:2726)

Summary of Amendments Adopted by House

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

1. Make a technical change.
2. Remove the requirement that present law only applies to a servitude or right of way obtained after August 1, 1970.
3. Remove the exception that proposed law applies regardless of the date the servitude was obtained.
4. Specify that proposed law shall not affect the existing rights of any person under an existing servitude.

The House Floor Amendments to the engrossed bill:

1. Make technical changes to insert present law.