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## DIGEST

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HB 973 Original

2024 Regular Session

Ventrella

**Abstract:** Provides for a limitation of liability for recreational landowners and their agents or assignees.

Present law (R.S. 9:2795(A)(2)) defines "owner" as the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the premises.

Proposed law specifies that the owner is in possession of land instead of premises.

Proposed law (R.S. 9:2795(A)(3)) adds equestrian activities, football, soccer, basketball, softball, tennis, and golf to the definition of recreational purposes.

Present law (R.S. 9:2795(B)(1)) provides that except for willful or malicious failure to warn against a dangerous condition, an owner of land, except an owner of commercial recreational developments or facilities, who permits any person to use his land for recreational purposes does not incur liability for any injury to person or property caused by any defect in the land.

Proposed law expands present law to include any hazardous condition.

Present law (R.S. 9:2795(B)(2)) provides that present law applies to owners of commercial recreational developments or facilities for injury to persons or property arising out of commercial recreational activity permitted at the recreational development that occurs on land not compromising the commercial recreational development or facility.

Proposed law provides that present law applies to any injury to persons or property arising out of non-commercial recreational activity permitted at the commercial recreational development and removes the requirement that the activity occur on land not compromising the recreational development or facility.

Proposed law (R.S. 9:2795(B)(3)) provides that, except for intentional or grossly negligent acts, proposed law shall extend to any employee, agent, or assignee acting on behalf of or for the benefit of the owner regardless of whether any action of the owner contributed to the injury.

Present law (R.S. 9:2795(E)(2)(c)) provides that the limitation of liability provided by present law shall not apply to defective playground equipment.

Proposed law expands present law to include defective bleachers.

Present law (R.S. 9:2795(E)(2)(d)) provides that the limitation of liability provided by present law shall not apply to intentional or grossly negligent acts by an employee of the public entity.

Proposed law expands present law to include intentional or grossly negligent acts by an agent or assignee of the public entity.

(Amends R.S. 9:2795(A)(2) and (3), (B)(1)(c) and (2), (E)(2)(c) and (d) and (F); Adds R.S. 9:2795(B)(3))