HLS 15RS-690 ORIGINAL

2015 Regular Session

HOUSE BILL NO. 706

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BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/CIVIL: Provides a limitation of liability for certain facilities operated by nonprofit youth organizations

AN ACT

2	To amend and reenact R.S. 9:2795(A)(1) through (4), (C), (D), (E)(2)(a), (b), and (d), and
3	(F), and to enact R.S. 9:2795(A)(6) through (8), relative to a limitation of liability
4	for certain nonprofit youth organizations; to provide for definitions; to extend the
5	limitation of liability to nonprofit youth organizations and youth adventure activities;
6	to provide for exceptions; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 9:2795(A)(1) through (4), (C), (D), (E)(2)(a), (b), and (d), and (F)
9	are hereby amended and reenacted and R.S. 9:2795(A)(6) through (8) are hereby enacted to
10	read as follows:
11	§2795. Limitation of liability of landowner of property used for recreational
12	purposes or youth adventure activities; property owned by the Department
13	of Wildlife and Fisheries; parks owned by public entities and nonprofit youth
14	organizations
15	A. As used in this Section:
16	(1)(4) "Charge" means the admission price or fee asked in return for
17	permission to use lands.
18	(2) "Land" means urban or rural land, roads, water, watercourses, private
19	ways or buildings, structures, and machinery or equipment when attached to the
20	realty.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

(3) "Nonprofit youth organization" means any nonprofit organization
qualified as a tax-exempt organization under Section 501(c)(3) of the Intern
Revenue Code, including any subsidiary, affiliate, or other related entity within
corporate or other business structure, that has been chartered by the United Stat
Congress to train young people to be self-sufficient and to help others, regardless
any requirement to pay dues or tuition in order to become a member of or participa
with the organization, and that has established an area in which to provide adventu
or recreational activities for these people and others on properties leased from the
state.
(2)(4) "Owner" means the possessor of a fee interest, a tenant, lesse
occupant or person in control of the premises.
* * *
(3)(6) "Recreational purposes" includes but is not limited to any of the
following, or any combination thereof: hunting, fishing, trapping, swimmin
boating, camping, picnicking, hiking, horseback riding, bicycle riding, motorize
or nonmotorized vehicle operation for recreation purposes, nature study, wat
skiing, ice skating, roller skating, roller blading, skate boarding, sledding
snowmobiling, snow skiing, summer and winter sports, or viewing or enjoying
historical, archaeological, scenic, or scientific sites.
(7) "Youth adventure activities" means recreational and adventure activities
sponsored by a nonprofit youth organization which are conducted or commenced or
a youth adventure center and which may extend to other public or private accessib
<u>land.</u>
(8) "Youth adventure center" means land managed by a nonprofit you
organization for recreational purposes and youth adventure activities in order
develop the ability of a youth to become self-sufficient and to learn the value
helping others.

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1	C. Unless otherwise agreed in writing, the provisions of Subsection B shall
2	be deemed applicable to the duties and liability of an owner of land leased for
3	recreational purposes or youth adventure activities to the federal government or any
4	state or political subdivision thereof, nonprofit youth organizations, or private
5	persons.
6	D. Nothing in this Section shall be construed to relieve any person using the
7	land of another for recreational purposes or youth adventure activities from any
8	obligation which he may have in the absence of this Section to exercise care in his
9	use of such land and in his activities thereon, or from the legal consequences of
10	failure to employ such care.
11	E.
12	* * *
13	(2)(a) The limitation of liability provided in this Section shall apply to any
14	lands, whether urban or rural, which are owned, leased, or managed as a public park
15	by the state or any of its political subdivisions, or managed as a youth adventure
16	center by any nonprofit youth organization, and which are used for recreational
17	purposes or youth adventure activities.
18	(b) The provision of supervision on any land managed as a public park by
19	the state or any of its political subdivisions, or managed as a youth adventure center
20	by any nonprofit youth organization, does not create any greater duty of care which
21	may exist and does not create a duty of care or basis of liability for personal injury
22	or for damage to personal property caused by the act or omission of any person
23	responsible for security or supervision of park or youth adventure center activities,
24	except as provided in Subparagraph (E)(2)(d) of this Section.
25	* * *
26	(d) The limitation of liability as extended to parks in this Section shall not
27	apply to intentional or grossly negligent acts by an employee of the public entity or

nonprofit youth organization.

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F. The limitation of liability extended by this Section to the owner, lessee, or occupant of premises shall not be affected by the granting of a lease, right of use, or right of occupancy for any recreational purpose or youth adventure activities which may limit the use of the premises to persons other than the entire public or by the posting of the premises so as to limit the use of the premises to persons other than the entire public.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 706 Original

2015 Regular Session

Miguez

Abstract: Defines and extends the <u>present law</u> limitations of liability to "nonprofit youth organizations" which operate youth adventure centers for youth adventure activities.

<u>Present law</u> provides a limitation of liability for owners of property, including public parks, which are used for recreational purposes.

<u>Present law</u> excludes from the limitation of liability acts constituting a willful and malicious failure to warn against dangerous conditions or structures.

<u>Present law</u> provides that the limitation of liability as extended to parks shall not apply to intentional or grossly negligent acts by an employee of the public entity.

<u>Present law</u> provides that the limitation of liability afforded parks does not extend to defective playground equipment or stands.

<u>Proposed law</u> defines and extends the <u>present law</u> limitations of liability to "nonprofit youth organizations" which operate youth adventure centers for youth adventure activities.

(Amends R.S. 9:2795(A)(1) - (4), (C), (D), (E)(2)(a), (b), and (d), and (F); Adds R.S. 9:2795(A)(6) - (8))