
DIGEST

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HB 856 Original

2016 Regular Session

Huval

Abstract: Provides a limitation of liability for property owners who grant a voluntary right of passage to an adjoining enclosed cemetery.

Proposed law provides that an owner of property adjoining an enclosed cemetery who voluntarily grants a right of passage to persons who desire to have access to an enclosed cemetery shall not be liable for any injury, death, loss, or damages to persons using the voluntary right of passage.

Proposed law provides that an owner granting the voluntary right of passage owes no duty of care to keep such property safe for entry or use by persons using the right of passage, and that the owner is not extending an assurance that the property is safe, or assuming responsibility for or incurring liability for any injury, death, loss, or damages to persons or property caused by any act of a person using the voluntary right of passage.

Provides that proposed law shall not apply to intentional or grossly negligent acts by the adjoining property owner.

Proposed law specifies that the granting of the voluntary right of passage shall be revocable at any time, and that no acquisitive prescriptive period shall apply.

Proposed law defines "adjoining property", "enclosed cemetery", and "voluntary right of passage".

(Adds R.S. 9:2800.23)