

2019 Regular Session

HOUSE BILL NO. 249

BY REPRESENTATIVE CONNICK

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

LIABILITY: Provides relative to community service litter abatement programs

1 AN ACT

2 To enact R.S. 9:2795.7, relative to limitations of liability; to provide a limitation of liability
3 to participants in certain community service litter abatement programs; to provide
4 for the establishment of community service litter abatement programs; to provide for
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2795.7 is hereby enacted to read as follows:

8 §2795.7. Community service litter abatement program; establishment; limitation of
9 liability

10 A.(1) A "community service litter abatement program" means a community
11 service litter abatement program that has been approved by the governing authority
12 of a parish or municipality and which provides for the collection and removal of
13 litter from public highways, rights-of-way, parks, roads, beaches, recreational areas,
14 and other public areas within the governing authority's jurisdiction.

15 (2) A community service litter abatement program may be established by
16 ordinance of the governing authority of any parish or municipality which shall
17 establish rules and regulations deemed necessary for the facilitation of persons
18 volunteering to participate in the program. The rules and regulations may include
19 any of the following:

1 (a) The requirement to wear certain clothing identifying the volunteers as
2 participants in the program.

3 (b) The authorization to provide clothing, uniforms, supplies, or equipment
4 to the volunteers necessary for the collection and removal of litter.

5 (c) The advertisement of the program to the general public.

6 B.(1) A person who volunteers to participate in the community service litter
7 abatement program established pursuant to this Section shall not be deemed to be an
8 employee of the program or of the parish or municipality establishing the community
9 service litter abatement program, regardless of whether any of the following occur:

10 (a) The community service litter abatement program supplies the volunteer
11 with clothing, a uniform, supplies, or equipment worn or used in the collection or
12 removal of litter.

13 (b) The community service litter abatement program assigns or specifies the
14 work to be performed.

15 (c) The community service litter abatement program provides oversight of
16 the work performed by the volunteers.

17 (d) The volunteer receives donations from the general public for his
18 collection and removal of litter.

19 (2) A person who participates in a community service litter abatement
20 program established pursuant to this Section shall have no cause of action for
21 damages against the governing authority conducting the program or supervising the
22 participants, nor against any employee or agent of the governing authority, for any
23 injury or loss suffered by a participant during or arising out of his participation in the
24 program, unless the injury or loss was caused by the intentional or grossly negligent
25 act or omission of the governing authority or its employee or agent. The governing
26 authority shall not be liable for any injury caused by an individual participating in
27 the program unless the gross negligence or intentional act of the governing authority
28 or its employee or agent was a substantial factor in causing the injury.

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 249 Engrossed

2019 Regular Session

Connick

Abstract: Authorizes the establishment of community service litter abatement programs, and provides a limitation of liability for a governing authority establishing such a program.

Proposed law defines "community service litter abatement program", and provides that such a program may be established by ordinance of the governing authority of any parish or municipality which shall establish necessary rules and regulations for the facilitation of persons volunteering to participate in the program.

Proposed law provides that a person who volunteers to participate in the program shall not be deemed to be an employee of the program or of the parish or municipality establishing the program.

Proposed law provides that a person who participates in the program shall have no cause of action for damages against the governing authority conducting the program or supervising the participants, nor against any employee or agent of the governing authority, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the governing authority or its employee or agent.

Proposed law provides that the governing authority shall not be liable for any injury caused by an individual participating in the program unless the gross negligence or intentional act of the governing authority or its employee or agent was a substantial factor in causing the injury.

(Adds R.S. 9:2795.7)

Summary of Amendments Adopted by House

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

1. Make technical changes.