

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 programs; to provide for the  
4 establishment of community service litter abatement, beautification, and  
5 maintenance programs; to provide for 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, beautification, and maintenance  
9 program; establishment; limitation of liability

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

16 (2) "Beautification and maintenance projects" means projects which provide  
17 for grounds keeping, grass cutting, painting, repairs, and improvements which  
18 increase the aesthetics of public areas.

19 (3) A community service litter abatement, beautification, and maintenance  
20 program may be established by ordinance of the governing authority of any parish

1 or municipality which shall establish rules and regulations deemed necessary for the  
2 facilitation of persons volunteering to participate in the program. The rules and  
3 regulations may include any of the following:

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

6 (b) The authorization to provide clothing, uniforms, supplies, or equipment  
7 to the volunteers necessary for the collection and removal of litter, and for  
8 beautification and maintenance projects.

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

10 B.(1) A person who volunteers to participate in the program established  
11 pursuant to this Section shall not be deemed to be an employee of the program or of  
12 the parish or municipality establishing the program, regardless of whether any of the  
13 following occur:

14 (a) The program supplies the volunteer with clothing, a uniform, supplies,  
15 or equipment worn or used in the collection or removal of litter.

16 (b) The program assigns or specifies the work to be performed.

17 (c) The program provides oversight of the work performed by the volunteers.

18 (d) The volunteer receives donations from the general public for his  
19 collection and removal of litter, and for beautification and maintenance projects.

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

2019 Regular Session

Connick

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

Proposed law defines "community service litter abatement program" and "beautification and maintenance projects", 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.

The House Floor Amendments to the engrossed bill:

1. Change the name of the program to the community service litter abatement, beautification, and maintenance program.
2. Add a definition for "beautification and maintenance projects".