AN ACT

To enact R.S. 9:2800.24, relative to the limitation of liability; to provide for the limitation of liability during the COVID-19 public health emergency; to provide for the liability of certain property owners; to provide for the liability of certain private persons, firms, and corporations; to provide for the liability of healthcare workers; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.24 is hereby enacted to read as follows:

§2800.24. Limitation of liability during the COVID-19 public health emergency

A. During the COVID-19 public health emergency as declared by Proclamation JBE 2020-25, any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons, together with that person's successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for negligently causing loss of, or damage to, the property of such person.

B. During the COVID-19 public health emergency as declared by Proclamation JBE 2020-25, any private person, firm, or corporation and employees
and agents of such person, firm, or corporation in the performance of a contract with, and under the direction of the state or its political subdivisions shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

C. During the COVID-19 public health emergency as declared by Proclamation JBE 2020-25, any healthcare providers shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

D. During the COVID-19 public health emergency as declared by Proclamation JBE 2020-25, any private person, firm, or corporation and employees and agents of such person, firm, or corporation, who renders assistance or advice at the request of the state or its political subdivisions shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

E. During the COVID-19 public health emergency as declared by Proclamation JBE 2020-25, any person who performs an action outside their usual scope of business in an effort to aid in emergency response shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
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 826 Original 2020 Regular Session Pressly

Abstract: Provides limited liability for healthcare providers, certain real estate owners, and certain private persons, firms, or corporations during the COVID-19 public health emergency.

Proposed law provides that during the public health emergency declared during the outbreak of COVID-19, the following classes of persons shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct:

1. Persons owning or controlling real estate who voluntarily and without compensation allow such real estate or premises to be used for the purpose of sheltering persons.

2. Healthcare providers.

3. Private persons, firms, or corporations and employees and agents of such persons, firms, or corporations, who do any of the following:
   a. Perform in contract with and under the direction of the state or its political subdivisions.
   b. Render assistance or advice at the request of the state or its political subdivisions.

4. Private persons who perform an action outside their usual scope of business in an effort to aid in emergency response.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 9:2800.24)