

2020 Regular Session

SENATE BILL NO. 489

BY SENATOR MCMATH

LIABILITY. Provides relative to limitation of liability of governmental entities which require its employees to work during a declared state of emergency. (gov sig)

1 AN ACT  
2 To enact R.S. 37:1739, to limit the liability of governmental entities which require  
3 employees to work during a declared state of emergency; and to provide for related  
4 matters.  
5 Be it enacted by the Legislature of Louisiana:  
6 Section 1. R.S. 37:1739 is hereby enacted to read as follows:  
7 **§1739. Limitation of liability; governmental entities during declared state of**  
8 **emergency; limitation of liability**  
9 **A. A governmental entity which, in good faith, requires an employee to**  
10 **work at the employee's workplace during a declared state of emergency which**  
11 **includes a stay at home order shall not be liable for any civil damages or injury**  
12 **as a result of any act or omission related to the worker being required to work,**  
13 **unless the damages or injury was caused by gross negligence or willful and**  
14 **wanton misconduct.**  
15 **B. As used in this Section:**  
16 **(1) "During a declared state of emergency" means during the period of**  
17 **time set forth in a declaration of the governor in accordance with R.S. 29:724**

1 **and shall include the time period as set forth in the declaration and shall also**  
 2 **be retroactive to the precipitating event requiring the declaration.**

3 **(2) "Governmental entity" means the state, all agencies, boards,**  
 4 **committees, or commissions of the executive, legislative, or judicial branches of**  
 5 **state government, and any political subdivision which employs the public**  
 6 **employee or employed the former public employee.**

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

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Jerry J. Guillot.

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DIGEST

SB 489 Original 2020 Regular Session McMath

Proposed law provides that a governmental entity which, in good faith, requires an employee to work at the employee's workplace during a declared state of emergency which includes a stay at home order shall not be liable for any civil damages or injury as a result of any act or omission related to the worker being required to work, unless the damages or injury was caused by gross negligence or willful and wanton misconduct.

Proposed law defines:

- (1) "During a declared state of emergency" means during the period of time set forth in a declaration of the governor in accordance with R.S. 29:724 and shall include the time period as set forth in the declaration and shall also be retroactive to the precipitating event requiring the declaration.
- (2) "Governmental entity" means the state, all agencies, boards, committees, or commissions of the executive, legislative, or judicial branches of state government, and any political subdivision which employs the public employee or employed the former public employee.

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

(Adds R.S. 37:1739)