AN ACT

To amend and reenact R.S. 29:735.1(A) and to enact R.S. 29:735.2, to provide for limitation of liability for rendering disaster relief or recovery equipment or services during a declared state of emergency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:735.1(A) is hereby amended and reenacted and R.S. 29:735.2 is hereby enacted to read as follows:

§735.3.1. Immunity for volunteers

A. During a declared state of emergency, any natural or juridical person, who gratuitously and voluntarily renders any disaster relief or recovery services in coordination with the state or its political subdivisions including but not limited to making masks, and homemade sanitizer shall not be liable to the recipient thereof for any injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct.

§735.3.2. Immunity for emergency efforts

During a declared state of emergency, any natural or juridical person,
who renders disaster relief or recovery equipment or services in coordination
with the federal government, the state, or its political subdivisions shall not be
liable to the recipient thereof for any injury or death to a person or any damage
to property resulting therefrom, 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.

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

DIGEST
SB 491 Original 2020 Regular Session Hewitt

Present law provides that during a declared state of emergency, any natural or juridical
person, who gratuitously and voluntarily renders any disaster relief or recovery services in
coordination with the state or its political subdivisions shall not be liable to the recipient
thereof for any injury or death to a person or any damage to property resulting therefrom,
except in the event of gross negligence or willful misconduct.

Proposed law provides that disaster relief and recovery services includes but it not limited
to making masks and homemade sanitizer. Otherwise retains present law.

Proposed law provides that during a declared state of emergency, any natural or juridical
person, who renders disaster relief or recovery equipment or services in coordination with
the federal government, the state, or its political subdivisions shall not be liable to the
recipient thereof for any injury or death to a person or any damage to property resulting
therefrom, except in the event of gross negligence or willful misconduct.

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

(Amends R.S. 29:735.1(A); adds R.S. 29:735.2)