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**HOUSE COMMITTEE AMENDMENTS**

2015 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House  
Bill No. 196 by Representative Schexnayder

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1 AMENDMENT NO. 1

2 On page 1, delete "(On Recommendation of the Louisiana State Law Institute)"

3 AMENDMENT NO. 2

4 On page 1, line 2, after "Articles" delete the remainder of the line and delete lines 3 and 4  
5 and at the beginning of line 5, delete "Code Article 696.1" and insert "693, 694, and 696.1"

6 AMENDMENT NO. 3

7 On page 1, delete lines 7 through 13, and insert the following:

8 "voluntary loss of utility access; to provide for loss of utility access due to  
9 partition or alienation; to provide a definition of utility; to provide for  
10 limitations of the utility servitude; to provide for the imposition of burdens;  
11 to provide for applicability to certain actions; and to provide for related  
12 matters."

13 AMENDMENT NO. 4

14 On page 1, line 15, change "689, 690, 691, 692, 694, and 705" to "693, 694, and 696.1"

15 AMENDMENT NO. 5

16 On page 1, delete lines 17 through 21 and delete pages 2 through 5

17 AMENDMENT NO. 6

18 On page 6, delete lines 1 through 19 and insert the following:

19 "Art. 693. Enclosed estate; voluntary act

20 If an estate becomes enclosed as a result of a voluntary act or  
21 omission of its owner, the neighbors are not bound to furnish a passage to  
22 him or his successors.

23 If the owner of an estate deprives himself of access to a public utility  
24 as a result of his voluntary act or omission, his neighbors are not bound to  
25 furnish to him or his successors a servitude for access to that utility.

26 Art. 694. Enclosed estate; voluntary alienation or partition

27 When in the case of partition, or a voluntary alienation of an estate or  
28 of a part thereof, property alienated or partitioned becomes enclosed, passage  
29 shall be furnished gratuitously by the owner of the land on which the passage  
30 was previously exercised, even if it is not the shortest route to the public road  
31 or utility, and even if the act of alienation or partition does not mention a  
32 servitude of passage.

33 When in the case of partition, or a voluntary alienation of an estate or  
34 of a part thereof, property alienated or partitioned becomes deprived of  
35 access to a public utility, a utility servitude shall be furnished gratuitously by  
36 the owner of the land on which access to the public utility previously existed,  
37 even if it is not the route that otherwise would be selected under Article 692,

1 and even if the act of alienation or partition does not mention a utility  
2 servitude.

3 \* \* \*

4 Art. 696.1. Utility; definition; scope

5 As used in this Section, a utility is a service such as electricity, water,  
6 sewer, gas, telephone, cable ~~television~~, and ~~other commonly used~~ power and  
7 communication networks, ~~required for the operation of an ordinary~~  
8 ~~household or business~~ of the kind commonly used in the operation of an  
9 ordinary household, whether the service is provided to a household or  
10 business.

11 The utility servitude shall be limited to the rights reasonably  
12 necessary to provide utility services to the dominant estate. The burden  
13 imposed on the servient estate shall not be substantially different from that  
14 required to provide the utility to an ordinary household.

15 Any new or additional maintenance burden upon the servient estate  
16 resulting from the utility servitude shall be the responsibility of the owner of  
17 the dominant estate."

18 AMENDMENT NO. 7

19 On page 6, delete lines 21, 22, and 23, and at the beginning of line 24, change "(b)" to "(a)"

20 AMENDMENT NO. 8

21 On page 6, delete lines 30 through 34 and delete page 7 and insert the following:

22 "Section 2. The provisions of this Act shall not apply to any action brought pursuant  
23 to Title 19 of the Louisiana Revised Statutes of 1950."

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CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.