

2020 Regular Session

HOUSE BILL NO. 826

BY REPRESENTATIVE PRESSLY

LIABILITY: Provides relative to the limitations of liability due to the COVID-19 public health emergency

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

9 §2800.24. Limitation of liability during the COVID-19 public health emergency

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

19 B. During the COVID-19 public health emergency as declared by
20 Proclamation JBE 2020-25, any private person, firm, or corporation and employees

1 and agents of such person, firm, or corporation in the performance of a contract with,
2 and under the direction of the state or its political subdivisions shall not be civilly
3 liable for causing the death of, or injury to, any person or damage to any property
4 except in the event of gross negligence or willful misconduct.

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

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

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

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 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)