

SENATE BILL NO. 491

BY SENATOR HEWITT AND REPRESENTATIVES AMEDEE, BACALA, BEAULLIEU, BUTLER, DAVIS, DUBUISSON, EDMONDS, FREIBERG, FRIEMAN, GAROFALO, HORTON, MCFARLAND, NELSON, THOMAS, THOMPSON, WHEAT AND WRIGHT

1 AN ACT

2 To amend and reenact R.S. 29:735.3.1(A) and to enact R.S. 29:735.3.2, to provide for
3 limitation of liability for rendering disaster relief, recovery services, or products
4 during a declared state of emergency; to provide certain terms, conditions, and
5 requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:735.3.1(A) is hereby amended and reenacted and R.S. 29:735.3.2
8 is hereby enacted to read as follows:

9 §735.3.1. Immunity for volunteers

10 A. During a declared state of emergency, any natural or juridical person, who
11 gratuitously and voluntarily renders any disaster relief ~~or~~, recovery services, or
12 products in coordination with the state or its political subdivisions shall not be liable
13 to the recipient thereof for an injury or death to a person or any damage to property
14 resulting therefrom, except in the event of gross negligence or willful misconduct.

15 * * *

16 §735.3.2. Immunity for emergency efforts

17 During a declared state of emergency, any natural or juridical person,
18 who renders disaster relief, recovery services, or products outside of the typical
19 course and scope of their operations in coordination with the federal
20 government, the state, or its political subdivisions shall not be liable to the
21 recipient thereof for any injury or death to a person or any damage to property
22 resulting therefrom, except in the event of gross negligence or willful
23 misconduct.

1 Section 2. Due to the imminent threat posed by COVID-19 as provided in
2 Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the
3 existence of a statewide public health emergency, Section 1 of this Act shall be retroactive
4 to March 11, 2020.

5 Section 3. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____