

2026 Regular Session

HOUSE BILL NO. 718

BY REPRESENTATIVE BOURRIAQUE

LIABILITY/CIVIL: Provides a limitation of liability to a landowner who authorizes the free use of his private property for aeronautical activities at nonpublic use airports

1 AN ACT

2 To enact R.S. 9:2791.2, relative to the limitation of liability applicable to aeronautical
3 activities at nonpublic use airports; to provide for a limitation of liability for private
4 landowners permitting the recreational use of private land for aeronautical activities
5 at nonpublic use airports; to establish exceptions to this limitation of liability; to
6 provide for definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2791.2 is hereby enacted to read as follows:

9 §2791.2. Limitation of liability for aeronautical activities at nonpublic use airports;
10 private landowners

11 A. As used in this Section:

12 (1) "Aeronautical activities" means the act or practice of the art and science
13 of transportation by aircraft and operations, construction, repair, or maintenance of
14 aircraft, airports, landing fields, landing strips, air navigation of, or flight in, or air
15 instruction.

16 (2) "Charge" means the admission price or fee required in return for
17 permission to use lands, but does not include the following:

18 (a) The sharing of game, fish, or other products of recreational use.

19 (b) Contributions in kind, services, or cash paid to reduce or offset costs and
20 eliminate losses from recreational use.

1 (c) Donations made during aeronautical activities at nonpublic use airports.

2 (3) "Land" means urban or rural land, roads, water, watercourses, airstrips,
3 private ways and buildings, structures, including machinery or equipment when
4 attached to immovable property.

5 (4) "Malicious" means an intentional act of misconduct that the actor knows
6 or should have known is likely to result in harm. The term shall not include
7 negligent or reckless conduct.

8 (5) "Nonpublic use airport" means an airport that is primarily used by the
9 owner with access by others as permitted by the owner.

10 (6) "Owner" means the possessor of a fee interest or ownership rights in a
11 property, including a tenant, lessee, or occupant.

12 (7) "Recreational purpose" includes aeronautical activities at nonpublic use
13 airports.

14 B. Except for willful or malicious failure to warn against a dangerous
15 condition, use, structure, or activity, an owner of land, except an owner of
16 commercial recreational developments or facilities, who permits with or without
17 charge any person to use his land for recreational purposes as defined in this
18 Subsection does not thereby:

19 (1) Extend any assurance that the premises are safe for any specific purposes.

20 (2) Provide a person the legal status of an invitee or licensee to whom a duty
21 of care is owed.

22 (3) Incur liability for any injury to person or property caused by any defect
23 in the land regardless of whether naturally occurring or manmade.

24 C. Unless otherwise agreed in writing, the provisions of Subsection B of this
25 Section shall be deemed applicable to the duties and liability of an owner of land
26 leased for recreational purposes to the federal government, including any state or
27 political subdivision thereof, or private persons.

28 D. Nothing in this Section shall be construed to relieve any person using the
29 land of another for recreational purposes from any obligation which he may have in

1 the absence of this Section to exercise care in his use of such land and in his
2 activities thereon, or from the legal consequences of failing to employ such care.

3 E. The limitation of liability provided in this Section shall apply to any lands
4 or water bottoms owned, leased, or managed by the owner, regardless of the
5 purposes for which the land or water bottoms are used, and whether they are used for
6 recreational purposes.

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 718 Original

2026 Regular Session

Bourriaque

Abstract: Extends a limitation of liability to landowners permitting the recreational use of land for aeronautical activities at nonpublic use airports.

Present law provides for the limited liability of owners or occupants of property not used primarily for commercial recreational purposes. Further specifies that an owner, lessee, or occupant of premises owes not duty of care to keep such premises safe for entry or use by others for hunting, fishing, camping, hiking, sightseeing, or boating or to give warning of any hazardous conditions, use of, structure, or activities on such premises to persons entering for such purposes.

Proposed law defines "aeronautical activities" as the act or practice of the art and science of transportation by aircraft and operations, construction, repair, or maintenance of aircraft, airports, landing fields, landing strips, air navigation of, or flight in, or air instruction.

Proposed law defines "charge" as the admission price or fee required in return for permission to use lands, but does not include the following:

- (1) The sharing of game, fish, or other products of recreational use.
- (2) Contributions in kind, services, or cash paid to reduce or offset costs and eliminate losses from recreational use.
- (3) Donations made during aeronautical activities at nonpublic use airports.

Proposed law defines "land" as urban or rural land, roads, water, watercourses, airstrips, private ways and buildings, structures, including machinery or equipment when attached to the immovable property.

Proposed law defines "malicious" as an intentional act of misconduct that the actor knows or should have known is likely to result in harm. Specifies that the term does not include negligent or reckless conduct.

Proposed law defines "nonpublic use airport" as an airport that is primarily used by the owner with access by others as permitted by the owner.

Proposed law defines "owner" as the possessor of a fee interest or ownership rights in a property, including a tenant, lessee, or occupant.

Proposed law defines "recreational purpose" as aeronautical activities at nonpublic use airports.

Proposed law retains present law and extends the limitation of liability for private landowners permitting recreational use of private land for aeronautical activities at nonpublic use airports. Further provides for exceptions to the landowner's limited liability for the recreational use of private land, such as willful or malicious failures by the owner.

Proposed law specifies that the limitation of liability in proposed law applies to any lands or water bottoms owned, leased, or managed by the owner, regardless of purpose and whether it is used for recreational purposes.

(Adds R.S. 9:2791.2)