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**HOUSE COMMITTEE AMENDMENTS**

2026 Regular Session

Substitute for Original House Bill No. 1099 by Representative McFarland as proposed by the House Committee on Civil Law and Procedure

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To enact R.S. 9:2800.31, relative to aerospace flight activities; to provide for legislative intent and purpose; to provide for definitions; to provide relative to motions to strike; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.31 is hereby enacted to read as follows:

§2800.31. Aerospace flight entities; motion to strike; legislative findings

A.(1) The legislature finds and declares that aerospace flight activities are a public issue.

(2) The legislature finds and further declares that aerospace flight activities are a sector of identified state importance as it facilitates the transport of goods or persons. Aerospace flight activities are licensed, regulated, and supervised by the Federal Aviation Administration under a comprehensive federal scheme that includes informed-consent and reciprocal-waiver requirements. The continued development of aerospace flight activities in this state advances public welfare, economic development, and workforce investment.

(3) It is the intent of this legislation that claims arising from aerospace flight activities be capable of early resolution without the imposition of discovery costs or other litigation expenses that would unreasonably burden lawfully licensed aerospace flight entities and the public entities that facilitate their operations.

B. For purposes of this Section, the following definitions apply:

(1) "Aerospace flight activities" mean any act or activity related to the research, development, testing, manufacture, preparation, launch, operation, reentry, descent, landing, or post-landing recovery of an aeronautic or astronautic launch vehicle, craft, payload, or related equipment, including but not limited to, fueling,

integration, conditioning, and transporting, including but not limited to the transport of goods or persons, and any associated ground support operations whether conducted on-site or involving overflight.

(2) "Aerospace flight entity" means any person, corporation, partnership, limited liability company, or any other entity that conducts aerospace flight activities and, to the extent required by federal law, holds or operates anywhere under a valid Federal Aviation Administration license, experimental permit, or other authorization for the relevant activities requiring such a license. This also includes any employee, officer, director, agent, contractor, manufacturer, supplier, or vendor of such entity, any owner or lessor of immovable property used for aerospace flight activities, and any political subdivision or public entity with a contractual or operational relationship facilitating such activities.

C.(1) A cause of action against an aerospace flight entity arising from any act of the aerospace flight entity in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established a probability of success on the claim.

(2) In making its determination, the court shall consider the pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

(3) If the court determines that the plaintiff has established a probability of success on the claim, that determination shall be admissible in evidence at any later stage of the proceeding.

D. In any action subject to Subsection C of this Section, a prevailing party on a special motion to strike shall be awarded reasonable attorney fees and costs.

E.(1) The special motion to strike may be filed within ninety days of service of the petition, or in the court's discretion, at any later time upon terms the court deems proper.

(2) If the plaintiff voluntarily dismisses the action prior to the running of the delays for filing an answer, the aerospace flight entity shall retain the right to file a

special motion to strike within the delays provided by Paragraph (1) of this Subsection, and the motion shall be heard pursuant to the provisions of this Section.

(3) The motion shall be noticed for hearing not more than thirty days after service unless the docket conditions of the court require a later hearing.

F. All discovery proceedings in the action shall be stayed upon the filing of a notice of motion made pursuant to this Section. The stay of discovery shall remain in effect until notice of entry of the order ruling on the motion. Notwithstanding the provisions of this Section, the court, on noticed motion and for good cause shown, may order that specified discovery be conducted.

G. This Section does not apply to any enforcement action brought on behalf of this state by the attorney general, district attorney, or city attorney acting as a public prosecutor.

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#### 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)]

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HB Draft

2026 Regular Session

**Abstract:** Provides relative to a motion to strike for actions related to aerospace flight activities.

Proposed law provides for legislative intent.

Proposed law defines "aerospace flight activities" and "aerospace flight entity".

Proposed law provides that an action against an aerospace flight entity arising from an act of the aerospace flight entity in connection with a public issue is subject to a special motion to strike unless the court determines the plaintiff has established a probability of success on the claim.

Proposed law provides relative to documentation the court is to use in making the determination if the plaintiff has a probability of success.

Proposed law provides that the determination that the plaintiff has a probability of success on the claim is admissible in evidence.

Proposed law provides that the prevailing party be awarded reasonable attorney fees and costs.

Proposed law provides that the special motion to strike may be filed within 90 days of service of the petition or any time later at the court's discretion.

Proposed law provides that the aerospace flight entity retains the right to file a special motion to strike if the plaintiff voluntarily dismisses the action prior to the running of the delays for filing an answer.

Proposed law requires all discovery proceedings to be stayed upon the filing of a notice and to remain stayed in effect until notice of entry of the order ruling on the motion.

Proposed law does not apply to any enforcement action brought on behalf of the state of La. by the attorney general, district attorney, or city attorney acting as a public prosecutor.

(Adds R.S. 9:2800.31)