

GREEN SHEET REDIGEST

HB 718

2026 Regular Session

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.

DIGEST

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 without a charge as permitted by the owner.

Proposed law defines "owner" as the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the premises.

Proposed law defines "person" as individuals regardless of age.

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

Proposed law retains present law and provides that except for willful or malicious failure to warn against a dangerous condition, use, structure, or activity, an owner of a nonpublic use airport shall not be liable for any loss or damage to any person on the owner's property when the loss or damage is related to an emergency landing of an aircraft, except an owner of commercial recreational developments or facilities, who permits with or without charge any person to use his land for recreational purposes as defined in proposed law.

(Adds R.S. 9:2791.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Makes technical changes.
2. Defines "nonpublic use airport" as an airport that is primarily used by the owner with access by others without a charge as permitted by the owner.
3. Defines "owner" as the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the premises.
4. Defines "person" as individuals regardless of age.
5. Provides that except for willful or malicious failure to warn against a dangerous condition, use, structure, or activity, an owner of a nonpublic use airport shall not be liable for any loss or damage to any person on the owner's property when the loss or damage is related to an emergency landing of an aircraft, except an owner of commercial recreational developments or facilities, who permits with or without charge any person to use his land for recreational purposes as defined in proposed law.
6. Deletes the provision of proposed law regarding the limitation of liability for private landowners in the following certain circumstances:
 - (a) Extend any assurance that the premises are safe for any specific purposes.
 - (b) Provide a person the legal status of an invitee or licensee to whom a duty of care is owed.
 - (c) Incur liability for any injury to person or property caused by any defect in the land regardless of whether naturally occurring or manmade.
7. Deletes the provision of proposed law that the limitation of liability provided in proposed law shall apply to any lands or water bottoms owned, leased, or managed by the owner, regardless of the purposes for which the land or water bottoms are used, and whether they are used for recreational purposes.