

2026 Regular Session

HOUSE BILL NO. 1098

BY REPRESENTATIVES MCFARLAND AND CHASSION

1 AN ACT

2 To enact R.S. 9:2800.31, relative to limitation of liability for aerospace flight entities and
3 aerospace activities; to provide for exceptions; to provide for definitions; to provide
4 for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §2800.31. Aerospace flight entities and activities; limitation of liability

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

9 (1) "Aerospace flight activities" mean any act or activity related to the
10 research, development, testing, manufacture, preparation, launch, operation, reentry,
11 descent, landing, or post-landing recovery of an aeronautic or astronautic launch
12 vehicle, craft, payload, or related equipment, including but not limited to fueling,
13 integration, conditioning, and transporting, including but not limited to the transport
14 of goods and persons, and any associated ground support operations, whether
15 conducted on-site or involving overflight.

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

1 any political subdivision or public entity with a contractual or operational
2 relationship facilitating such activities.

3 B. Notwithstanding any other provision of law to the contrary, no aerospace
4 flight entity that owns and occupies a minimum of twenty thousand contiguous acres
5 in this state shall be liable for any cause of action arising from nuisance, trespass,
6 inverse condemnation, strict liability, or any other claim based upon noise, sonic
7 booms, overflight, vibration, light, heat, exhaust, smoke, odor, visual intrusion,
8 temporary access restrictions, or any other disturbance resulting from aerospace
9 flight activities.

10 C. An aerospace flight entity shall not be liable to any aerospace flight
11 participant for any injury or damages resulting from aerospace flight activities if the
12 aerospace flight participant has signed an agreement and given written consent as
13 required by 51 U.S.C. 50905.

14 D. The limitations provided in this Section do not apply to any of the
15 following:

16 (1) The gross negligence or willful or wanton misconduct of the aerospace
17 flight entity.

18 (2) Intentional injury caused by the aerospace flight entity to the aerospace
19 flight participant.

20 (3) A violation of a condition of a Federal Aviation Administration license,
21 experimental permit, or federal authorization,

22 (4) Injury to persons or property caused by falling debris that exceeds the
23 normal risk associated with aerospace flight activities.

24 E. A reciprocal waiver of claims between parties engaged in aerospace flight
25 activities under Federal Aviation Administration Regulations (14 CFR 440.17) is
26 effective and enforceable in this state, including waiver by a contractor,
27 subcontractor, or customer of any party participating in an aerospace flight activity.

28 F. An aerospace flight entity is presumed to be acting lawfully if the
29 aerospace activity is conducted in substantial compliance with applicable federal,
30 state, and local licenses, permits, or authorizations.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____