

ACT No. 826

2026 Regular Session

HOUSE BILL NO. 718

BY REPRESENTATIVE BOURRIAQUE

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.

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

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

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

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

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

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

13 (5) "Nonpublic use airport" means an airport that is primarily used by the
14 owner with access by others without a charge as permitted by the owner.

15 (6) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant,
16 or person in control of the premises.

17 (7) "Person" means individuals regardless of age.

18 (8) "Recreational purpose" includes aeronautical activities at nonpublic use
19 airports.

20 B. Except for willful or malicious failure to warn against a dangerous
21 condition, use, structure, or activity, an owner of a nonpublic use airport shall not be
22 liable for any loss or damage to any person on the owner's property when the loss or
23 damage is related to an emergency landing of an aircraft, except an owner of
24 commercial recreational developments or facilities, who permits with or without
25 charge any person to use his land for recreational purposes as defined in this
26 Subsection.

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

1 D. Nothing in this Section shall be construed to relieve any person using the
2 land of another for recreational purposes from any obligation which he may have in
3 the absence of this Section to exercise care in his use of such land and in his
4 activities thereon, or from the legal consequences of failing to employ such care.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____