

Regular Session, 2009

HOUSE BILL NO. 554

BY REPRESENTATIVES LANDRY, BOBBY BADON, HENRY BURNS, CARTER,
CHAMPAGNE, CHANEY, CORTEZ, DOERGE, DOWNS, HUTTER, SAM
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Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HOMELAND SECURITY: Provides civil immunity for certain volunteers working in
coordination with the state or its political subdivisions

1 AN ACT

2 To enact R.S. 29:735.3.1, relative to homeland security; to provide civil immunity during
3 a declared state of emergency; to provide immunity for gratuitous volunteers
4 providing care in coordination with the state or political subdivisions; to provide an
5 exception for gross negligence or willful misconduct; to provide an exception for
6 care which requires a license; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:735.3.1 is hereby enacted to read as follows:

9 §735.3.1. Immunity for volunteers

10 A. During a declared state of emergency, any natural or juridical person, who
11 gratuitously and voluntarily renders any disaster relief or recovery services in
12 coordination with the state or its political subdivisions shall not be liable to the
13 recipient thereof for any injury or death to a person or any damage to property
14 resulting therefrom, except in the event of gross negligence or willful misconduct.

15 B. This Section shall not apply to unlicensed persons providing care,
16 assistance, goods, or services for which a license is required.

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)]

Landry

HB No. 554

Abstract: Provides immunity for certain volunteers during a declared state of emergency.

Proposed law provides that any person in coordination with the state or its political subdivisions who gratuitously and voluntarily renders any disaster relief or recovery services shall not be civilly liable for causing death or injury to a person or property, unless the damage was intentional or caused by a grossly negligent act of the provider.

Proposed law shall not apply to any licensed insurer of any person covered under the provisions of this Section.

(Adds R.S. 29:735.3.1)

Summary of Amendments Adopted by HouseHouse Floor Amendments to the engrossed bill.

1. Specifies that the person must gratuitously and voluntarily render any disaster relief or recovery services to be entitled to immunity.