

ACT No. 36

2019 Regular Session

HOUSE BILL NO. 249

BY REPRESENTATIVE CONNICK

1 AN ACT

2 To enact R.S. 9:2795.7, relative to limitations of liability; to provide a limitation of liability
3 to participants in certain community service programs; to provide for the
4 establishment of community service litter abatement, beautification, and
5 maintenance programs; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2795.7 is hereby enacted to read as follows:

8 §2795.7. Community service litter abatement, beautification, and maintenance
9 program; establishment; limitation of liability

10 A.(1) A "community service litter abatement, beautification, and
11 maintenance program" means a program that has been approved by the governing
12 authority of a parish or municipality and which provides for the collection and
13 removal of litter from public highways, rights-of-way, parks, roads, beaches,
14 recreational areas, and other public areas within the governing authority's
15 jurisdiction, and for beautification and maintenance projects within such jurisdiction.

16 (2) "Beautification and maintenance projects" means projects which provide
17 for grounds keeping, grass cutting, painting, repairs, and improvements which
18 increase the aesthetics of public areas.

19 (3) A community service litter abatement, beautification, and maintenance
20 program may be established by ordinance of the governing authority of any parish
21 or municipality which shall establish rules and regulations deemed necessary for the
22 facilitation of persons volunteering to participate in the program. The rules and
23 regulations may include any of the following:

24 (a) The requirement to wear certain clothing identifying the volunteers as
25 participants in the program.

1 (b) The authorization to provide clothing, uniforms, supplies, or equipment
2 to the volunteers necessary for the collection and removal of litter, and for
3 beautification and maintenance projects.

4 (c) The advertisement of the program to the general public.

5 B.(1) A person who volunteers to participate in the program established
6 pursuant to this Section shall not be deemed to be an employee of the program or of
7 the parish or municipality establishing the program, regardless of whether any of the
8 following occur:

9 (a) The program supplies the volunteer with clothing, a uniform, supplies,
10 or equipment worn or used in the collection or removal of litter.

11 (b) The program assigns or specifies the work to be performed.

12 (c) The program provides oversight of the work performed by the volunteers.

13 (d) The volunteer receives donations from the general public for his
14 collection and removal of litter, and for beautification and maintenance projects.

15 (2) A person who participates in a program established pursuant to this
16 Section shall have no cause of action for damages against the governing authority
17 conducting the program or supervising the participants, nor against any employee or
18 agent of the governing authority, for any injury or loss suffered by a participant
19 during or arising out of his participation in the program, unless the injury or loss was
20 caused by the intentional or grossly negligent act or omission of the governing
21 authority or its employee or agent. The governing authority shall not be liable for
22 any injury caused by an individual participating in the program unless the gross
23 negligence or intentional act of the governing authority or its employee or agent was
24 a substantial factor in causing the injury.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____