

2020 Regular Session

SENATE BILL NO. 491

BY SENATOR HEWITT

LIABILITY. Limits liability of persons who provide relief or recovery equipment or services during a declared state emergency. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 29:735.1(A) and to enact R.S. 29:735.2, to provide for limitation
3 of liability for rendering disaster relief or recovery equipment or services during a
4 declared state of emergency; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 29:735.1(A) is hereby amended and reenacted and R.S. 29:735.2 is
7 hereby enacted to read as follows:

8 §735.3.1. Immunity for volunteers

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

15 * * *

16 **§735.3.2. Immunity for emergency efforts**

17 **During a declared state of emergency, any natural or juridical person,**

1 who renders disaster relief or recovery equipment or services in coordination
 2 with the federal government, the state, or its political subdivisions shall not be
 3 liable to the recipient thereof for any injury or death to a person or any damage
 4 to property resulting therefrom, except in the event of gross negligence or
 5 willful misconduct.

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 491 Original

2020 Regular Session

Hewitt

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

Proposed law provides that disaster relief and recovery services includes but it not limited to making masks and homemade sanitizer. Otherwise retains present law.

Proposed law provides that during a declared state of emergency, any natural or juridical person, who renders disaster relief or recovery equipment or services in coordination with the federal government, the state, or its political subdivisions shall not be liable to the recipient thereof for any injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 29:735.1(A); adds R.S. 29:735.2)