
HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Substitute for Original House Bill No. 858 by Representative Ventrella as proposed by the House Committee on Civil Law and Procedure

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 9:2795 (A)(2) and (3), (B)(1)(c) and (2), (E)(2)(c) and (d) and (F), and to enact R.S. 9:2795(B)(3), relative to recreational landowner immunity; to provide for definitions; to provide relative to recreational activities; to provide for a limitation of liability; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2795 (A)(2) and (3), (B)(1)(c) and (2), (E)(2)(c) and (d) and (F) is hereby amended and reenacted and R.S. 9:2795(B)(3) is hereby enacted to read as follows:

§2795. Limitation of liability of landowner of property used for recreational purposes; property owned by the Department of Wildlife and Fisheries; parks owned by public entities

A. As used in this Section:

* * *

(2) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the ~~premises~~ land.

(3) "Recreational purposes" includes but is not limited to any of the following, or any combination ~~thereof~~ of the following activities: hunting, fishing, trapping, swimming, boating, camping, picnicking, hiking, horseback riding, bicycle riding, motorized, or nonmotorized vehicle operation for recreation purposes, nature study, water skiing, ice skating, roller skating, roller blading, skate boarding, sledding, snowmobiling, snow skiing, summer and winter sports, equestrian activities, football, soccer, basketball, baseball, softball, tennis, and golf, or viewing or enjoying historical, archaeological, scenic, or scientific sites.

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B. (1)

* * *

(c) Incur liability for any injury to person or property caused by any defect in the land, or any hazardous condition, regardless of whether naturally occurring or man-made.

(2) The provisions of this Subsection shall apply to owners of commercial recreational developments or facilities for injury to persons or property arising out of ~~the commercial~~ non-commercial recreational activity permitted at the commercial recreational development or facility ~~that occurs on land which does not comprise the commercial recreational development or facility~~ and over which the owner has no control when the recreational activity commences, occurs, or terminates on the commercial recreational development or facility.

(3) Except for intentional or grossly negligent acts, the limitation of liability provided in this Section shall extend to any employee, agent, or assignee acting on behalf of, or for the benefit for the owner, regardless of whether any action or inaction on the part of the owner caused or contributed to any injury to person or property.

* * *

E.

* * *

(2)

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(c) For purposes of the limitation of liability afforded to parks pursuant to this Section this limitation does not apply to playground equipment or stands or bleachers which are defective.

(d) The limitation of liability as extended to parks in this Section shall not apply to intentional or grossly negligent acts by an employee, agent, or assignee of the public entity.

F. The limitation of liability extended by this Section to the owner, lessee, or occupant of ~~premises~~ the land shall not be affected by the granting of a lease, right of use, or right of occupancy for any recreational purpose which may limit the use

of the premises to persons other than the entire public or by the posting of the premises so as to limit the use of the premises to persons other than the entire public.

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)]

HB Draft

2024 Regular Session

Abstract: Provides for a limitation of liability for recreational landowners and their agents or assignees.

Present law (R.S. 9:2795(A)(2)) defines "owner" as the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

Proposed law specifies that the owner is in possession of land instead of premises.

Proposed law (R.S. 9:2795(A)(3)) adds football, soccer, basketball, softball, tennis and golf to the definition of recreational purposes.

Present law (R.S. 9:2795(B)(1)) provides that except for willful or malicious failure to warn against a dangerous condition, an owner of land, except an owner of commercial recreational developments or facilities, who permits any person to use his land for recreational purposes does not incur liability for any injury to person or property cause by any defect in the land.

Proposed law expands present law to include any hazardous condition.

Present law (R.S. 9:2795(B)(2)) provides that present law applies to owners of commercial recreational developments or facilities for injury to persons or property arising out of commercial recreational activity permitted at the recreational development that occurs on land not compromising the commercial recreational development or facility.

Proposed law changes present law to provide that present law applies for injury to persons or property arising out of non-commercial recreational activity permitted at the commercial recreational development and removes the requirement that the activity occur on land not compromising the recreational development or facility.

Proposed law (R.S. 9:2795(B)(3)) provides that, except for intentional or grossly negligent acts, proposed law shall extend to any employee, agent, or assignee acting on behalf of or for the benefit of the owner regardless of whether any action of the owner contributed to the injury.

Present law (R.S. 9:2795(E)(2)(c)) provides that the limitation of liability provided by present law shall not apply to defective playground equipment.

Proposed law expands present law to include defective bleachers.

Present law (R.S. 9:2795(E)(2)(d)) provides that the limitation of liability provided by present law shall not apply to intentional or grossly negligent acts by an employee of the public entity.

Proposed law expands present law to include intentional or grossly negligent acts by an agent or assignee of the public entity.

(Amends R.S. 9:2795(A)(2) and (3), (B)(1)(c) and (2), (E)(2)(c) and (d) and (F); Adds R.S. 9:2795(B)(3))