

2026 Regular Session

HOUSE BILL NO. 1098

BY REPRESENTATIVE MCFARLAND

LIABILITY/CIVIL: Provides with respect to a limitation of liability for aerospace entities

1 AN ACT

2 To enact R.S. 9:2800.31, relative to limitation of liability for aerospace flight entities and
3 aerospace activities; to provide for exceptions; to provide for definitions; to provide
4 for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2800.31 is hereby enacted to read as follows:

7 §2800.31. Aerospace flight entities and activities; limitation of liability

8 A. For purposes of this Section, the following definitions apply:

9 (1) "Aerospace flight activities" mean any act or activity related to the
10 research, development, testing, manufacture, preparation, launch, operation, reentry,
11 descent, landing, or post-landing recovery of a launch vehicle, craft, payload, or
12 related equipment, including but not limited to, fueling, integration, conditioning,
13 and transporting, including but not limited to the transport of goods and persons, and
14 any associated ground support operations, whether conducted on-site or involving
15 overflight.

16 (2) "Aerospace flight entity" means any person, corporation, partnership,
17 limited liability company, or any other entity that conducts space flight activities
18 and, to the extent required by federal law, holds or operates anywhere under a valid
19 Federal Aviation Administration license, experimental permit, or other authorization
20 for the relevant activities requiring such a license. This also includes any employee,

1 officer, director, agent, contractor, manufacturer, supplier, or vendor of such entity,
2 any owner or lessor of immovable property used for space flight activities, and any
3 political subdivision or public entity with a contractual or operational relationship
4 facilitating such activities.

5 B. Notwithstanding any other provision of law to the contrary, no aerospace
6 flight entity shall be liable for any cause of action arising from nuisance, trespass,
7 inverse condemnation, strict liability, or any other claim based upon noise, sonic
8 booms, overflight, vibration, light, heat, exhaust, smoke, odor, visual intrusion,
9 temporary access restrictions, or any other disturbance resulting from aerospace
10 flight activities.

11 C. An aerospace flight entity shall not be liable to any aerospace flight
12 participant for any injury or damages resulting from aerospace flight activities if the
13 flight participant has signed an agreement and given written consent as required by
14 51 U.S.C. 50905.

15 D. The limitations provided in this Section do not apply to any of the
16 following:

17 (1) The gross negligence or willful or wanton misconduct of the aerospace
18 flight entity.

19 (2) Intentional injury caused by the aerospace flight entity to the aerospace
20 flight participant.

21 (3) A violation of a condition of a Federal Aviation Administration license,
22 experimental permit, or federal authorization,

23 (4) Physical damage caused by falling debris that exceeds the normal risk
24 associated with aerospace flight activities.

25 E. A reciprocal waiver of claims between parties engaged in aerospace flight
26 activities under Federal Aviation Regulations (14 C.F.R. 440.17) is effective and
27 enforceable in this state, including waiver by a contractor, subcontractor, or customer
28 of any party participating in an aerospace flight activity.

1 F. An aerospace flight entity is presumed to be acting lawfully if the
2 aerospace activity is conducted with substantial compliance with applicable federal,
3 state, and local licenses, permits, or authorizations.

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

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 1098 Reengrossed

2026 Regular Session

McFarland

Abstract: Limits liability for aerospace flight entities when certain written agreements exist.

Proposed law defines "aerospace flight activities" and "aerospace flight entity".

Proposed law provides that an aerospace flight entity is not liable for any cause of action arising from nuisance, trespass, inverse condemnation, strict liability, or any other claim based upon noise, sonic boom, overflight, vibration, light, heat, exhaust, smoke, odor, visual intrusion, temporary access restrictions, or any other disturbance resulting from aerospace flight activities.

Proposed law provides that an aerospace flight entity is not responsible for injury or damage to an aerospace flight participant resulting from aerospace flight activities if the participant signed an agreement and gave consent as required by certain federal law.

Proposed law does not apply to any of the following:

- (1) Gross negligence or willful or wanton misconduct of the aerospace flight entity.
- (2) Intentional injury caused by the aerospace flight entity to the aerospace flight participant.
- (3) A violation of a condition of a Federal Aviation Administration (FAA) license, experimental permit, or federal authorization.
- (4) Physical damage caused by falling debris that exceeds the normal risk associated with aerospace flight activities.

Proposed law provides that a reciprocal waiver of claims between parties engaged in aerospace flight activities pursuant to certain federal law is effective and enforceable in the state of La.

Proposed law provides that aerospace flight entities are presumed to be acting lawfully if in compliance with federal, state, and local licenses, permits, or authorizations.

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

(Adds R.S. 9:2800.31)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Include the transportation of goods and persons in the definition of "aerospace activities".