

RÉSUMÉ DIGEST

ACT 173 (HB 720)

2026 Regular Session

Riser

Existing law provides that when a parish or city maintains a private roadway for a certain number of years, the road becomes public. Prior law also referenced an exception provision that was previously repealed.

Existing law removes prior law and establishes the conditions under which this tacit dedication may be proven or presumed and provides procedures for a parish or municipality to dispose of public roads.

New law clarifies that a road that has been tacitly dedicated to the public under existing law remains public and subject to public use unless the parish or municipality formally revokes the dedication.

New law further provides that any public works or improvements made by the parish or municipality in the right-of-way of the dedicated public roadway are also public, subject to public use, and remain public unless the dedication is revoked as required by new law.

New law further establishes that any boat launches, boat landings, and parking areas that have been constructed and maintained by the parish or municipality remain subject to public use unless disposed of in accordance with applicable law by the parish or municipality.

Existing law specifies that when a local governing authority decides to dispose of any road, street, or property used for right-of-way purposes that was previously donated to the authority the property will go back to the original owner or his heirs or assigns.

New law clarifies that a public roadway that has been tacitly dedicated to the public cannot be alienated by private sale.

Specifies that new law is remedial, procedural, and interpretive of existing law and has both prospective and retroactive application.

Effective August 1, 2026.

(Amends R.S. 48:491(B)(1)(c) and (2); Adds R.S. 48:491(B)(3))