Regular Session, 2011

HOUSE BILL NO. 358

BY REPRESENTATIVES GREENE, ABRAMSON, AND LOPINTO AND SENATOR QUINN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/CIVIL: Provides a limitation of liability for school boards entering into joint-use agreements

AN ACT

To enact R.S. 9:2800.22, relative to limitations of liability; to provide a limitation of liability for schools who enter into recreational joint-use agreements; to require insurance; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.22 is hereby enacted to read as follows:

§2800.22. Limitation of liability for use of school facilities

A. The governing authority of an elementary or secondary school or charter school who enters into a recreational joint-use agreement owes no duty of care to keep such premises safe for entry or use by others, pursuant to a joint-use agreement, outside of regularly scheduled school activities or to give a warning of any hazardous conditions, use of, structure, or activities on the premises. When the governing authority enters into an agreement, it is not extending any assurance that the premises are safe or a duty of care, or assuming responsibility for or incurring liability for any injury, death, loss, civil penalty, or damages to persons or property caused by any act of a person to whom permission is granted.

B. This Section does not exclude any liability which would otherwise exist for injury or damages caused by gross negligence or willful and wanton misconduct.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

C. When entering into a recreational joint-use agreement, the elementary or secondary school or charter school shall require in the agreement that the other entity maintain and provide proof of adequate liability and accident insurance coverage as determined by industry standards.

D. As used in this Section, "recreational joint-use agreement" means a written authorization by the governing authority of an elementary or secondary school or charter school permitting a public or private entity to access the premises of a school under the governing authority's jurisdiction for the purpose of conducting or engaging in recreational activity and addressing conditions under which the permission is granted.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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)]

Greene HB No. 358

Abstract: Provides a limitation of liability for school governing authorities when entering into recreational joint-use agreements.

Proposed law provides that the governing authority of an elementary or secondary school or charter school who enters into a joint-use agreement with another party, owes no duty of care or duty to warn and does not extend any assurance that the premises are safe or incur any liability for injuries to persons or property.

Provides that proposed law does not exclude liability for gross negligence or willful and wanton misconduct.

Proposed law provides that the school executing a joint-use agreement shall require the other party to maintain and provide proof of insurance coverage.

Proposed law defines "recreational joint-use agreement".

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

(Adds R.S. 9:2800.22)

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Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Authorized all schools to enter into joint-use agreements.

2. Provided that no duty is owed to the other persons who are covered by the joint-use agreement.

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