Greene **HB No. 358**

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

LIABILITY/CIVIL. Provides relative to limitation of liability for school boards entering into recreational joint-use agreements with a private or public entity.

DIGEST

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 for use of its facility, 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" to mean a written agreement between the governing authority of an elementary, secondary, or charter school and a public or private entity, authorizing such entity to access the premises of a school under the governing authority's jurisdiction for the purposes of conducting or engaging in recreational activity. Proposed law further provides that the agreement shall set forth the conditions, terms, and requirements under which such authorization and use is granted, including that the entity shall indemnify and hold harmless the governing authority from any liability arising from such use, and that the governing authority may at any time and without cause revoke its authorization to use the premises and terminate the agreement.

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

(Adds R.S. 9:2800.22)

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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill.

1. Revised definition of "recreational joint-use agreement".

Prepared by Jerry G. Jones.