

Regular Session, 2010

HOUSE BILL NO. 491

BY REPRESENTATIVE BILLIOT

LEVEES: Limits liability for any flood control levee or structure designed and built by the U.S. Army Corps of Engineers

1 AN ACT

2 To enact R.S. 38:346, relative to liability of levee districts or levee and drainage districts;
3 to limit liability for any flood control levees or structures built or designed by the
4 U.S. Army Corps of Engineers under certain conditions; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:346 is hereby enacted to read as follows:

8 §346. Limitations of liability; flood control levees or structures; U.S. Army Corps
9 of Engineers

10 No levee district, levee authority, or levee and drainage district, or their
11 boards; nor the state or its offices, agencies, or political subdivisions; nor employees,
12 agents, or contractors of any of the entities delineated in this Section; nor the owner,
13 operator, or lessee of property utilized for flood protection or integrated coastal
14 protection purposes shall be liable for any personal injury, property damage, or other
15 loss caused by the failure, breaching, undermining, or overtopping of a flood control
16 levee, flood control structure, or integrated coastal protection project directly
17 resulting from the design or construction by the United States Army Corps of
18 Engineers or its contractors.

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)]

Billiot

HB No. 491

Abstract: Limits liability for levee districts, the state, and political subdivisions, and the employees, owners, operators, or contractors thereof for any personal injury, property damage, or other loss caused by the design or construction of a flood control levee or structure by the U.S. Army Corps of Engineers.

Proposed law limits liability for any levee district or levee and drainage district or their boards; the state or its offices, agencies, or political subdivisions; employees, agents, or contractors of any of the entities delineated in proposed law; the owner, operator, or lessee of property utilized for flood protection or integrated coastal protection purposes for any personal injury, property damage, or other loss caused by the failure, breaching, undermining, or overtopping of a flood control levee, flood control structure, or integrated coastal protection project that was designed and built by the U.S. Army Corps of Engineers or its contractors.

(Adds R.S. 38:346)

Summary of Amendments Adopted by House

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

1. Added provisions to include the state and its offices, agencies, or political subdivisions within the limitation of liability.
2. Added provision specifying that the limitation of liability applies to damages resulting from the design or construction by the U.S. Army Corps of Engineers or its contractors.