

Regular Session, 2010

HOUSE BILL NO. 494

BY REPRESENTATIVE BILLIOT

1 AN ACT

2 To amend and reenact R.S. 38:301(E)(1) and to enact R.S. 38:301(A)(4) and (F), relative to
3 bicycle paths and walkways; to authorize public use of certain property for
4 recreational purposes; to authorize construction or permit bicycle paths and
5 walkways; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:301(E)(1) is hereby amended and reenacted and R.S.
8 38:301(A)(4) and (F) are hereby enacted to read as follows:

9 §301. Construction and maintenance of levees and drainage; care and inspection of
10 levees; measure of compensation; right of entry; bicycle paths and walkways

11 A.

12 * * *

13 (4) Levee boards or levee and drainage boards, or the governing authority
14 where a levee district does not exist, may allow the public to utilize for recreational
15 purposes as long as the structural integrity of the levee or flood control structure is
16 not compromised, levees under the jurisdiction of the board, or by the governing
17 authority where a levee district does not exist, and may construct or permit bicycle
18 paths and walkways.

19 * * *

20 E.(1) Neither a levee board nor a levee and drainage board nor a governing
21 authority where a levee district does not exist, or their employees, that constructs or
22 permits a bicycle path or walkway or allows the use for recreational purposes, levees
23 as provided in Subsection A of this Section, nor the owner, operator, or lessee of
24 property utilized for levee and levee drainage purposes nor the state shall be liable

1 for any personal injury, property damage, or other loss which occurs while a person
 2 enters onto such property ~~to utilize the bicycle path or walkway constructed by the~~
 3 ~~levee board or the levee and drainage board.~~ for recreational purposes , unless the
 4 injury, damage, or loss was caused by the deliberate and wanton act or gross
 5 negligence of the state, the levee district, or the governing authority, or the owner,
 6 operator, or lessee of property utilized for levee or levee drainage purposes, or any
 7 officer, employee, or agent thereof.

* * *

9 F. Nothing in this Section shall be interpreted to either encourage or require
 10 a levee district or a levee and drainage district to allow the public to utilize for
 11 recreational purposes levees under the jurisdiction of the board or governing
 12 authority nor shall the provisions of this Section be interpreted to encourage or
 13 require a levee district or levee and drainage district to construct, or allow to be
 14 constructed, bicycle paths or walkways on the levees.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____