

Regular Session, 2010

HOUSE BILL NO. 773

BY REPRESENTATIVE ROY

LIABILITY/CIVIL: Provides a limitation of liability for prescribed burnings

1 AN ACT

2 To amend and reenact R.S. 3:17(E), relative to limitations of liability; to provide a limitation
3 of liability for prescribed burnings as a land management tool; to provide a gross
4 negligence standard; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:17(E) is hereby amended and reenacted to read as follows:

7 §17. Prescribed burning; intent and purpose; authorization; definitions

8 * * *

9 E. No property owner, lessee, or any person or entity owning a property
10 interest of any kind, or their agent or employee, conducting a prescribed burn
11 pursuant to the requirements of this Section and the rules and regulations
12 promulgated pursuant to this Section shall be liable for damage, injury, or loss
13 caused by fire, resulting smoke, or other consequence of the prescribed burn, unless
14 gross negligence is proven.

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)]

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HB No. 773

Abstract: Provides a limitation of liability for prescribed burnings.

Present law provides that no person shall be liable for damage, injury, or loss caused by fire, resulting smoke, or other consequence of the prescribed burn, unless negligence is proven.

Proposed law provides a limitation of liability unless gross negligence is proven.

(Amends R.S. 3:17(E))