

SENATE BILL NO. 129

BY SENATORS ALLAIN AND APPEL

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

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AN ACT

To amend and reenact R.S. 9:1254(A), relative to rights and servitude of passage on certain waterways; to provide for indemnification for damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1254(A) is hereby amended and reenacted to read as follows:

§1254. Enclosed estate; right and servitude of passage on certain waterways

A. The owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway. **He is bound to indemnify his neighbor for the damage he may occasion.** The existing waterway passing through the neighboring property shall be directly accessible from a publicly navigable waterway, and shall have been and shall still be capable of use for navigation by the owner of either the dominant or servient estate at the time of acquisition by act of sale, inheritance, or otherwise, by the owner of the dominant estate.

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Section 2. The provisions of this Act shall have prospective application only.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_