

Regular Session, 2010

HOUSE BILL NO. 323

BY REPRESENTATIVE WILLMOTT

LIABILITY/CIVIL: Provides a limitation of liability for curators and undercurators

1 AN ACT

2 To enact R.S. 9:2800.21, relative to curators; to provide a limitation of liability for certain
3 curators and undercurators for the acts of interdicts; to provide for exceptions; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2800.21 is enacted to read as follows:

7 §2800.21. Limitation of liability for curators and undercurators; acts of interdicts

8 A curator or an undercurator who performs the duties and obligations of his
9 office without compensation shall not be personally liable for any injury, death,
10 damage, civil penalty, or other loss caused by the interdict in his charge unless the
11 injury, death, damage, civil penalty, or other loss was caused by the gross negligence
12 or willful and wanton misconduct of the curator or undercurator in executing the
13 duties and obligations of his office.

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)]

Willmott

HB No. 323

Abstract: Limits the liability of an uncompensated curator or undercurator for injury, death, damage, civil penalty, or other loss caused by the interdict in his charge.

Present law (C.C. Art. 2319) provides that neither a curator nor an undercurator is personally responsible to a third person for a delictual obligation of the interdict in his charge solely by reason of his office.

Proposed law provides that a curator or undercurator who performs his duties and obligations without compensation shall not be personally liable for any injury, death, damage, civil penalty, or other loss caused by the interdict in his charge, unless the injury, death, damage, civil penalty, or other loss was caused by the gross negligence or willful and wanton misconduct of the curator or undercurator in executing his duties and obligations.

(Adds R.S. 9:2800.21)