

Regular Session, 2011

HOUSE BILL NO. 578

BY REPRESENTATIVE BISHOP

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

CIVIL/IMMUNITY: Provides for immunity from liability for homeowners associations

1 AN ACT

2 To enact Subpart D of Part II-B of Chapter 1 of Code Title I of Code Book II of Title 9 of  
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1143 and 1144,  
4 relative to the Louisiana Homeowners Association Act; to provide for immunity  
5 from tort liability for homeowners associations; to prohibit the determination of rates  
6 based on certain circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart D of Part II-B of Chapter 1 of Code Title I of Code Book II of  
9 Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:1143 is hereby  
10 enacted to read as follows:

11 SUBPART D. LIABILITY

12 §1143. Civil liability

13 Neither the association nor any lot owner shall be liable for any cause of  
14 action based upon the acts or omissions of the association or a third party on, or in  
15 connection with, any part of a public servitude on land that is not association  
16 property, as defined in R.S. 9:1141.2.

17 §1144. Insurance

18 An insurer authorized to do business in Louisiana shall not establish rates or  
19 determine renewal rates for homeowners association insurance based in whole or in

1           part upon the risks associated with land which is located adjacent to the association's  
2           property but is used as a public servitude and is not owned by the association.

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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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Bishop

HB No. 578

**Abstract:** Provides for immunity for homeowners associations for acts or omissions that occur on public servitudes.

Proposed law shields homeowners associations and its members from liability for acts or omissions that occur on public servitudes that are not owned by the association or its members.

Proposed law prohibits insurers from establishing rates or from determining renewal rates for homeowners association insurance based up on the risks associated with an adjacent public servitude but not owned by the association.

(Adds R.S. 9:1143-1144)