

2022 Regular Session

HOUSE BILL NO. 619

BY REPRESENTATIVE SELDERS

CONTRACTORS/CONSTRUCTION: Provides for immunity for public entities for failure to obtain permits

1 AN ACT

2 To enact R.S. 9:2800.28, relative to public entities; to provide for immunity from civil  
3 liability; to provide relative to immovable property; to provide relative to  
4 construction; to provide relative to failure to obtain proper permits, licenses, and  
5 inspections; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.28 is hereby enacted to read as follows:

8 §2800.28. Immunity from liability for public entities; construction permits

9 A. No person shall have a cause of action against a public entity or political  
10 subdivision for damages arising from the construction of a building, structure, or  
11 improvement on an immovable when the property owner, contractor, general  
12 contractor, or subcontractor failed to obtain the proper building permits, licenses, and  
13 inspections as required in R.S. 40:1730.23.

14 B. This Section does not exclude any liability which would otherwise exist  
15 for injury or damages caused by gross negligence or willful and wanton misconduct.

16 C.(1) As used in this Section, "public entity", "political subdivision",  
17 "building", "structure", and "improvement" shall be defined in R.S. 33:4771.

18 (2) As used in this Section, "contractor", "general contractor", and  
19 "subcontractor" shall be defined as defined in R.S. 9:4807.

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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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HB 619 Original

2022 Regular Session

Selders

**Abstract:** Provides for immunity from civil liability for public entities when an owner or contractor fails to obtain the proper building permits, licenses, and inspections.

Proposed law provides that individuals shall not have a cause of action against a public entity or political subdivision for damages arising from the construction of a building, structure, or improvement to an immovable if the property owner, contractor, general contractor, or subcontractor failed to obtain the proper building permits, licenses, and inspections as required in present law (R.S. 40:1730.23).

Present law (R.S. 40:1730.23) provides that municipalities and parishes are required to enforce construction codes, including inspection and issuance of payments by building code enforcement officers.

Proposed law provides that proposed law does not apply to injuries or damages caused by gross negligence or willful and wanton misconduct.

Proposed law defines "public entity", "public subdivision", "building", "structure", and "improvement" as defined by present law (R.S. 33:4771).

Present law (R.S. 33:4771) provides definitions for the building codes of parishes and municipalities.

Proposed law defines "contractor", "general contractor", and "subcontractor" as defined by present law (R.S. 9:4807).

Present law (R.S. 9:4807) provides definitions for the Private Works Act.

(Adds R.S. 9:2800.28)