

Regular Session, 2010

HOUSE BILL NO. 773

BY REPRESENTATIVE ROY

LIABILITY/CIVIL: Provides with respect to 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 rebuttable
3 presumption of nonnegligence for prescribed burnings; and to provide for related
4 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~~ If a property owner, lessee, or any person or entity owning a property
10 interest of any kind, or their agent or employee, ~~conducting~~ conducts a prescribed
11 burn 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 ~~negligence is proven.~~ there shall be a rebuttable presumption of nonnegligence.

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)]

Roy

HB No. 773

Abstract: Provides a rebuttable presumption of nonnegligence 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 that if a person conducts a prescribed burn in accordance with the rules and regulations, there shall be a rebuttable presumption of nonnegligence.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Removed the gross negligence standard and added a rebuttal presumption.