

2024 Regular Session

HOUSE BILL NO. 784

BY REPRESENTATIVE SCHAMERHORN

LIABILITY/CIVIL: Provides relative to liability for damages caused by livestock

1 AN ACT

2 To amend and reenact Civil Code Article 2321, relative to liability for damages caused by
3 livestock; to provide for strict liability under certain circumstances; to provide for
4 exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Article 2321 is hereby amended and reenacted to read as
7 follows:

8 Art. 2321. Damage caused by animals; livestock

9 A. The owner of an animal, including livestock, is answerable for the
10 damage caused by the animal. However, he is answerable for the damage only upon
11 a showing that he knew or, in the exercise of reasonable care, should have known
12 that his animal's behavior would cause damage, that the damage could have been
13 prevented by the exercise of reasonable care, and that he failed to exercise such
14 reasonable care.

15 B. Nonetheless, the owner of a dog is strictly liable for damages for injuries
16 to persons or property caused by the dog and which the owner could have prevented
17 and which did not result from the injured person's provocation of the dog.

18 C. Nonetheless, the owner of livestock is strictly liable for damages for
19 injuries to persons or property caused by the livestock that escape an enclosure and

1 the owner could have prevented by an exercise of reasonable care. The provisions
2 of this Article shall not apply to:
3 (1) A fortuitous event.
4 (2) Cases in which livestock escape an enclosure by no fault of the owner.
5 (3) Third party provocation of the livestock.
6 D. Nothing in this Article shall preclude the court from the application of the
7 doctrine of res ipsa loquitur in an appropriate case.

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)]

HB 784 Original

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Schamerhorn

Abstract: Provides for liability for damages caused by livestock that escape an enclosure.

Present law provides that the owner of an animal is answerable for the damages caused by an animal upon showing that he knew or in the exercise of reasonable care should have known that the animal would cause damage.

Proposed law extends present law to include livestock.

Present law provides that the owner of a dog is strictly liable for injuries caused by the dog which the owner could have prevented and which did not result from provocation of the dog.

Proposed law retains present law.

Proposed law provides that the owner of livestock is strictly liable for damages caused by livestock that escape an enclosure, and the owner could have prevented the escape by an exercise of reasonable care.

Proposed law does not apply to a fortuitous event, cases in which the livestock escape by no fault of the owner, and third party provocation of the livestock.

(Amends C.C. Art. 2321)