

# ACT No. 252

HOUSE BILL NO. 784

BY REPRESENTATIVES SCHAMERHORN, BOURRIAQUE, EGAN, FIRMENT, FISHER, GADBERRY, HORTON, TRAVIS JOHNSON, LAFLEUR, JACOB LANDRY, MACK, MCMAHEN, ORGERON, OWEN, ROMERO, SELDERS, TAYLOR, THOMPSON, TURNER, VENTRELLA, AND WALTERS AND SENATORS BARROW, CATHEY, EDMONDS, HENSGENS, KLEINPETER, MIGUEZ, MIZELL, MORRIS, REESE, AND WOMACK

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. The owner of livestock is liable for damages for injuries to persons or  
19 property caused by the livestock that escape an enclosure and the owner could have  
20 prevented by an exercise of reasonable care. The owner of livestock is not liable for

1           damages for injuries to person or property for livestock that escape an enclosure due  
2           to any of the following:  
3                   (1) A fortuitous event.  
4                   (2) 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_