

ACT No. 394

Regular Session, 2004

HOUSE BILL NO. 1097

BY REPRESENTATIVES WALKER, ANSARDI, AND DANIEL

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AN ACT

To amend and reenact R.S. 9:2798.4(A)(1), relative to liability of the state, a state agency, or political subdivision or any person for injuries sustained by an intoxicated operator of a motor vehicle, aircraft, watercraft, or vessel; to provide for the blood alcohol level of the operator; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2798.4(A)(1) is hereby amended and reenacted to read as follows:

§2798.4. Immunity from liability; injuries sustained by persons driving under the influence of alcoholic beverages or drugs

A. Neither the state, a state agency, or a political subdivision of the state nor any person shall be liable for damages, including those available under Civil Code Article 2315.1 or 2315.2, for injury, death, or loss of the operator of a motor vehicle, aircraft, watercraft, or vessel who:

(1) Was operating a motor vehicle, aircraft, watercraft, or vessel while his blood alcohol concentration of ~~0.10~~ 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____