

[RS 48:251.7](#)

§251.7. Prohibited provisions

A. It is hereby declared that any provision contained in a department contract, other than a provision naming another as a co-insured or additional beneficiary in a contract of insurance, which requires the department to assume liability for damages arising out of injuries or property damage to the contracting parties or to third parties caused by the negligence of anyone other than the department, its employees, or agents, is contrary to the public policy of the state of Louisiana. Any and all such provisions in any and all department contracts shall be null and void.

B. It is hereby declared that any provision contained in a department contract, other than a provision naming another as a co-insured or additional beneficiary in a contract of insurance, which requires contracting parties to assume liability for damages arising out of injuries or property damage to the department caused by the negligence of anyone other than the contracting parties, its employees, or agents, is contrary to the public policy of the state of Louisiana. Any and all such provisions in any and all department contracts shall be null and void.

C. Notwithstanding any provision of law to the contrary, any provision contained in a department contract that is in violation of [R.S. 9:2780.1](#) shall be null and void.

D. The provisions of this Section shall not apply to contracts between the department and the owner of immovable property when the purpose of such contract is to grant the department a servitude, right-of-way, or other authority to go upon, construct works, perform activities, or to otherwise exercise control over or use the owner's property.

[RS 38:2195](#)

§2195. Prohibited provisions

A. It is hereby declared that any provision contained in a public contract, other than a provision naming another as a co-insured or additional beneficiary in a contract of insurance, which requires a public entity to assume liability for damages arising out of injuries or property damage to the contracting parties or to third parties caused by the negligence of anyone other than the public body, its employees, or agents, is contrary to the public policy of the state of Louisiana. Any and all such provisions in any and all public contracts issued on or after, are null and void.

B. It is hereby declared that any provision contained in a public contract, other than a provision naming another as a co-insured or additional beneficiary in a contract of insurance, which, requires contracting parties to assume liability for damages arising out of injuries or property damage to a public entity caused by the negligence of anyone other than the contracting parties, its employees, or agents, is contrary to the public policy of the state of Louisiana. Any and all such provisions in any and all public contracts issued on or after, are null and void.

C. Notwithstanding any provision of law to the contrary, any provision contained in a public contract that is in violation of [R.S. 9:2780.1](#) shall be null and void.

D. The provisions of this Section shall be inapplicable with respect to intrastate intergovernmental contracts and to contracts with private providers for the placement and care of persons in the custody of the state.

E. The provisions of this Section shall not apply to contracts between any public entity and the owner of immovable property when the purpose of such contract is to grant the public entity a servitude, right of way, or other authority to go upon, construct works, perform activities, or otherwise exercise control over or use the owner's property.