

**HOUSE COMMITTEE AMENDMENTS**

2017 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 109 by Senator Claitor

1 AMENDMENT NO. 1

2 On page 1, line 3, after "comprised of" delete the remainder of the line and delete lines 4  
3 through 10 in their entirety and insert the following:

4 "R.S. 9:5826 and 5827, relative to prescription; to provide relative to  
5 peremptive and prescriptive deadlines; to provide relative to legal deadlines;  
6 to provide for applicability; and to provide for related matters."

7 AMENDMENT NO. 2

8 On page 1, delete lines 12 through 17 in their entirety and delete pages 2 and 3 in their  
9 entirety and insert the following:

10 "Section 1. Part V of Chapter 1 of Code Title XXIV of Title 9 of the  
11 Louisiana Revised Statutes of 1950, comprised of R.S. 9:5826 and 5827, is  
12 hereby enacted to read as follows:

13 **§5826. Purpose**  
14 **In response to the widespread flooding and power outages**  
15 **that occurred in August of 2016, the governor of this state issued**  
16 **Executive Orders JBE 2016-53, 57, and 66, which, among other**  
17 **things, purports to suspend or extend certain prescriptive periods**  
18 **and peremptive periods. The legislature finds that it is necessary**  
19 **to provide for a clear termination of any suspension or extension**  
20 **of prescriptive periods and peremptive periods created by these**  
21 **executive orders in order to preserve a fair and consistent**  
22 **application of the laws of prescription and preemption.**

23 **§5827. Suspension and extension of prescription and**  
24 **preemption; 2016 flooding disaster**  
25 **In accordance with Executive Orders JBE 2016-53, 57,**  
26 **and 66, all prescriptive periods, including liberative, acquisitive,**  
27 **and the prescription of nonuse, and all peremptive periods were**  
28 **suspended or extended for a period beginning August 12, 2016,**  
29 **and ending September 30, 2016. To the extent that any**  
30 **prescriptive period or peremptive period would have run on or**  
31 **before September 30, 2017, but for the suspension or extension of**  
32 **the period pursuant to the Executive Orders JBE 2016-53, 57,**  
33 **and 66, the prescriptive or peremptive period will be deemed to**  
34 **have run upon the earlier of: (1) the date calculated pursuant to**  
35 **Louisiana Civil Code Article 3472, or (2) September 30, 2017.**  
36 **The suspension and extension of prescriptive periods and**  
37 **peremptive periods contained in Executive Orders JBE 2016-53,**  
38 **57, and 66 shall not apply to any prescriptive period or**  
39 **peremptive period accruing on or after October 1, 2017."**