

2020 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVE WILFORD CARTER

PRESCRIPTION: Provides relative to the prescriptive period for delictual actions

1 AN ACT

2 To amend and reenact Civil Code Article 3493.10 and to repeal Section 1 of Chapter 4 of  
3 Title XXIV of Book III of the Civil Code, comprised of Civil Code Articles 3492  
4 and 3493, relative to liberative prescription; to provide for a two-year prescriptive  
5 period for delictual actions; to provide for exceptions; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Article 3493.10 is hereby amended and reenacted to read as  
9 follows:

10 Art. 3493.10. Delictual actions; two-year prescription; ~~criminal act~~

11 Delictual actions ~~which arise due to damages sustained as a result of an act~~  
12 ~~defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised~~  
13 ~~Statutes of 1950~~, except as provided in Article 3496.2, are subject to a liberative  
14 prescription of two years.

15 This prescription commences to run from the day injury or damage is  
16 sustained. When damage is caused to immovable property, the prescription  
17 commences to run from the day the owner of the immovable acquired, or should  
18 have acquired, knowledge of the damage.

1                   It does not run against minors and interdicts in actions involving permanent  
2                   disability and brought pursuant to the Louisiana Products Liability Act or state law  
3                   governing product liability actions in effect at the time of the injury or damage.  
4                   Section 2. Section 1 of Chapter 4 of Title XXIV of Book III of the Civil Code,  
5                   comprised of Civil Code Articles 3492 and 3493, is hereby repealed in its entirety.

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## 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)]

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HB 92 Original

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Wilford Carter

**Abstract:** Provides that delictual actions are subject to a two-year prescriptive period.

Present law provides, with certain exceptions, a one-year prescriptive period for delictual actions which commences from the day the injury or damage is sustained.

Present law provides a two-year prescriptive period for delictual actions arising from crimes of violence and provides a three-year prescriptive period for delictual actions arising out of any act of sexual assault.

Proposed law repeals the one-year prescriptive period, provides that delictual actions are subject to a two-year prescriptive period, and otherwise retains present law.

(Amends C.C. Art. 3493.10; Repeals C.C. Arts. 3492 and 3493)