

2020 Regular Session

HOUSE BILL NO. 552

BY REPRESENTATIVE PRESSLY

PRESCRIPTION: Provides relative to liberative prescription

1 AN ACT

2 To amend and reenact Civil Code Article 3493.10, to enact R.S. 9:2800.25, and to repeal
3 Civil Code Article 3492, relative to limitations on the recovery of certain damages;
4 to provide a limitation on the recovery of medical and healthcare expenses; to
5 provide for a two-year prescriptive period limiting the time within which to bring
6 certain actions for damages; to provide for exceptions; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

12 Delictual actions ~~which arise due to damages sustained as a result of an act~~
13 ~~defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised~~
14 ~~Statutes of 1950~~, except as provided in Article 3496.2, are subject to a liberative
15 prescription of two years. This prescription commences to run from the day injury
16 or damage is sustained. It does not run against minors and interdicts in actions
17 involving permanent disability and brought pursuant to the Louisiana Products
18 Liability Act or state law governing product liability actions in effect at the time of
19 the injury or damage.

20 Section 2. R.S. 9:2800.25 is hereby enacted to read as follows:

- 1 §2800.25. Limitation on recovery of medical or healthcare expenses
- 2 In any claim filed pursuant to Chapter 3 of Title V of Book III of the Civil
- 3 Code, in addition to any other limitation under law, recovery of medical or
- 4 healthcare expenses incurred shall be limited to the amount actually paid or incurred
- 5 by or on behalf of the claimant.
- 6 Section 3. Civil Code Article 3492 is hereby repealed in its entirety.
- 7 Section 4. The provisions of this Act shall become effective on January 1, 2021.

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)]

HB 552 Original

2020 Regular Session

Pressly

Abstract: Provides that delictual actions are subject to a two-year prescriptive period and limits recovery of medical or healthcare expenses incurred to the amount actually paid or incurred by or on behalf of the claimant.

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.

Proposed law limits recovery of medical or healthcare expenses incurred to the amount actually paid or incurred by or on behalf of the claimant.

(Amends C.C. Art. 3493.10; Adds R.S. 9:2800.25; Repeals C.C. Art. 3492)