

GREEN SHEET REDIGEST

HB 805

2020 Regular Session

Pressly

PRESCRIPTION: Provides for the suspension of prescription

DIGEST

Present law provides various prescriptive and preemptive periods. C.C. Art. 3472 provides that a period of suspension is not counted towards the accrual of prescription. Prescription commences to run again upon the termination of the period of suspension. Proposed law does not alter present law.

Proposed law ratifies Proclamation JBE 2020-30, which due to the COVID-19 public health emergency created a limited suspension of all prescription and preemptive periods from March 17, 2020, through June 30, 2020.

Proposed law creates a limited suspension of all prescription and preemptive periods from March 17, 2020, through June 30, 2020, with certain exceptions.

Proposed law provides that this limited suspension of prescription shall apply only to a prescriptive or preemptive period which would have otherwise expired during the period from March 17, 2020, through June 30, 2020.

Proposed law provides that this limited suspension shall terminate on May 14, 2020, and any right, claim, or action which was suspended shall expire on July 1, 2020.

Proposed law creates a limited suspension and extension of all legal deadlines from March 17, 2020, through June 30, 2020.

Proposed law provides that if a legal deadline lapsed during the time period from March 17, 2020, through June 30, 2020, the party may seek an extension by contradictory motion or declaratory judgment, but in no case shall the deadline be extended beyond September 1, 2020.

Proposed law provides that this Act shall preempt and supersede but not repeal any conflicting provisions of law.

Proposed law provides that this Act is interpretative, curative, and procedural and shall be applied retroactively as well as prospectively.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 9:5828-5830)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Extend the termination date of the COVID-19 public health emergency suspension from April 14, 2020, to May 15, 2020.
2. Provide that any right or claim that would have expired during the time period of March 17, 2020, through May 15, 2020, will expire on July 15, 2020.
3. Extend the legal deadline for parties seeking an extension by contradictory motion or declaratory judgment from August 14, 2020, to September 15, 2020.
4. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the re-engrossed bill

1. Change the extension of the termination date of the COVID-19 public health emergency suspension from April 14, 2020, to June 30, 2020.
2. Provide that any right or claim that would have expired during the time period of March 17, 2020, through June 30, 2020, will expire on July 1, 2020.
3. Change the legal deadline for parties seeking an extension by contradictory motion or declaratory judgment from September 15, 2020, to September 1, 2020.