

2020 First Extraordinary Session

SENATE BILL NO. 2

BY SENATOR CONNICK

PRESCRIPTION. Extends prescriptive period for certain delictual actions from one to two years. (1/1/21)

1 AN ACT

2 To amend and reenact Civil Code Article 3493.10 and to repeal Civil Code Article 3492; to
3 extend the general prescriptive period for certain delictual actions; to provide terms
4 and conditions; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

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

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

17 Section 2. Civil Code Article 3492 is hereby repealed.

1 Section 3. This Act shall become effective on January 1, 2021.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 2 Original

2020 First Extraordinary Session

Connick

Present law (C.C. Art. 3493.10) provides that delictual actions which arise due to damages sustained as a result of an act defined as a crime of violence, except for sexual assault, are subject to a liberative prescription of two years. This prescription commences to run from the day injury or damage is sustained.

Proposed law provides that delictual actions are subject to a liberative prescription of two years, and except for sexual assault, commence to run from the day injury or damage is sustained. It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.

Present law (C.C. Art. 3492) provides that delictual actions are subject to a liberative prescription of one year. This prescription commences to run from the day injury or damage is sustained. It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.

Proposed law repeals present law.

Effective January 1, 2021.

(Amends C.C. Art. 3493.10; repeals C.C. Art. 3492)