
DIGEST

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CONFERENCE COMMITTEE REPORT DIGEST

HB 805

2020 Regular Session

Pressly

Keyword and oneliner of the instrument as it left the House

PRESCRIPTION: Provides for the suspension of prescription

Report adopts Senate amendments to:

1. Change the legal deadline for parties seeking an extension by contradictory motion or declaratory judgment from September 15, 2020 to September 1, 2020.
2. Provide that proposed law does not apply to leases or eviction proceedings beyond the time period provided by Proclamation No. JBE 2020-30 and any extensions thereof.

Report rejects Senate amendments which would have:

1. Extend the termination date of the COVID-19 public health emergency suspension from May 15, 2020, to June 30, 2020.
2. Provide that the right to enforce any right, claim, or action that would have expired during the time period of March 17 2020, through June 30, 2020, will expire on July 1, 2020.

Report amends the bill to:

1. Extend the termination date of the COVID-19 public health emergency suspension from May 15, 2020, to July 5, 2020.
2. Provide that the right to enforce any right, claim, or action that would have expired during the time period of March 17 2020, through July 5, 2020, will expire on July 6, 2020.

Digest of the bill as proposed by the Conference Committee

Present law provides various prescriptive and peremptive 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 July 5, 2020.

Proposed law creates a limited suspension of all prescriptive and preemptive periods from March 17, 2020, through July 5, 2020, with certain exceptions.

Proposed law provides that this limited suspension of prescriptive shall apply only to a prescriptive or preemptive period which would have otherwise expired during the period from March 17, 2020, through July 5, 2020.

Proposed law provides that the right to enforce any right, claim, or action which was suspended shall expire on July 6, 2020.

Proposed law creates a limited suspension and extension of all legal deadlines from March 17, 2020, through July 5, 2020.

Proposed law provides that if a legal deadline lapsed during the time period from March 17, 2020, through July 5, 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 does not apply to legal deadlines related to leases or eviction proceedings as suspended or extended by Proclamation Number JBE 2020-30 and any extensions thereof.

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

Proposed law provides that proposed law 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)