

2020 First Extraordinary Session

HOUSE BILL NO. 5

BY REPRESENTATIVE MARINO

CIVIL/LAW: Provides for the emergency suspension of time limitations in certain civil proceedings (Item #40)

1 AN ACT

2 To enact Civil Code Article 3472.1 and Code of Civil Procedure Article 562, relative to civil
3 proceedings; to provide relative to declaration of emergencies; to provide relative to
4 suspension of prescription and peremption periods and other legal deadlines; to
5 provide relative to the suspension of abandonment; to provide for cessation of
6 suspension; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Article 3472.1 is hereby enacted to read as follows:

9 Art. 3472.1. Emergency suspension of prescription and peremption

10 A. Notwithstanding any other provisions of the law, in the event the
11 governor declares a state of emergency pursuant to R.S. 29:721 through 772, the
12 Supreme Court of Louisiana may enter an order or series of orders as deemed
13 necessary and appropriate to suspend all prescriptive and peremptive periods for a
14 period of time not to exceed ninety days. Thereafter, should the need for continuing
15 suspension be necessary to preserve access to the courts, the governor may issue
16 executive orders as deemed appropriate. The period of suspension authorized by the
17 provisions of this Article shall terminate upon the earlier of an order of the Supreme
18 Court of Louisiana or upon termination of the declared state of disaster or
19 emergency. Nothing in this Article limits the authority of the governor or the
20 legislature to act in accordance with its authority.

1 B. The right to file any pleading subject to the suspension as provided by
2 Paragraph A of this Article shall terminate sixty days after the termination of the
3 suspension as provided by Paragraph A of this Article.

4 Section 2. Code of Civil Procedure Article 562 is hereby enacted to read as follows:

5 Art. 562. Emergency suspension of abandonment

6 A. Notwithstanding any other provisions of the law, in the event the
7 governor declares a state of emergency, pursuant to R.S. 29:721 through 772, the
8 Supreme Court of Louisiana may enter an order or series of orders as deemed
9 necessary and appropriate to suspend the period of abandonment for a period of time
10 not to exceed ninety days. Thereafter, should the need for continuing suspension be
11 necessary to preserve access to the courts, the governor may issue executive orders
12 as deemed appropriate. The period of suspension authorized by the provisions of this
13 Article shall terminate upon the earlier of an order of the Supreme Court of
14 Louisiana or upon termination of the declared state of disaster or emergency.
15 Nothing in this Article limits the authority of the governor or the legislature to act
16 in accordance with its authority.

17 B. The right to file any pleading subject to the suspension as provided by
18 Paragraph A of this Article shall terminate sixty days after the termination of the
19 suspension as provided by Paragraph A of this Article.

20 Section 3. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

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 5 Engrossed

2020 First Extraordinary Session

Marino

Abstract: Provides for the suspension of prescriptive, preemptive, and abandonment periods by the supreme court in the event of a declaration of emergency by the governor.

Present law provides for various prescriptive, preemptive, or abandonment periods.

Proposed law provides that the Supreme Court of Louisiana may suspend the running of prescriptive, preemptive, and abandonment periods for a period up to 90 days if a state of emergency is declared by the governor.

Proposed law provides for continuing suspensions if the governor issues further executive orders after the 90 days have run.

Proposed law provides for the period of suspension to terminate upon the earlier of an order of the Supreme Court of Louisiana or termination of the declared state of disaster or emergency.

Proposed law provides that the right to file any pleading subject to the suspension shall terminate sixty days after the termination of the suspension.

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

(Adds C.C. Art. 3472.1 and C.C.P. Art. 562)