

2020 First Extraordinary Session

HOUSE BILL NO. 5

BY REPRESENTATIVE MARINO

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 or disasters; to provide
4 relative to suspension of prescription and peremption periods and other legal
5 deadlines; to provide relative to the suspension of abandonment; to provide for
6 cessation of 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 or disaster pursuant to R.S. 29:721 through
12 772, the Supreme Court of Louisiana may enter an order or series of orders as
13 deemed necessary and appropriate to suspend all prescriptive and preemptive periods
14 for a period of time not to exceed ninety days. Thereafter, should the need for
15 continuing suspension be necessary to preserve access to the courts, the governor
16 may issue executive orders as deemed appropriate. The period of suspension
17 authorized by the provisions of this Article shall terminate upon the earlier of an
18 order of the Supreme Court of Louisiana or upon termination of the declared state
19 of disaster or emergency. Nothing in this Article limits the authority of the governor
20 or the legislature to act in accordance with its authority.

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

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

2 Art. 562. Emergency suspension of abandonment

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____