SLS 22RS-389 ENGROSSED

2022 Regular Session

SENATE BILL NO. 149

BY SENATOR TALBOT

1

PRESCRIPTION. Provides for delictual actions. (8/1/22)

2 To enact Civil Code Art. 3493.11, relative to liberative prescription; to provide for delictual actions resulting from the operation or control of any motor vehicle, aircraft, 3 watercraft, or other means of conveyance; to provide for two-year prescription; and 4 5 to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. Civil Code Art. 3493.11 is hereby enacted to read as follows: 8 Art. 3493.11. Delictual Actions; two-year prescription; operation of a vehicle, 9 aircraft, watercraft 10 Delictual actions which arise due to injury or damage sustained as a 11 result of an accident caused by the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance, are subject to a liberative 12 13 prescription of two years. This prescription commences to run from the day the 14 injury or damage is sustained. It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana 15 16 Products Liability Act or state law governing product liability actions in effect 17 at the time of the injury or damage.

AN ACT

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST 2022 Regular Session

Talbot

<u>Proposed law</u> increases the general one-year prescriptive period for delictual actions for injury or damages arising from the operation of any motor vehicle, aircraft, watercraft, or other means of conveyance to a two-year prescriptive period. <u>Proposed law</u> further provides that this prescription commences to run from the day injury or damage is sustained and that it does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the La. Products Liability Act or present law governing product liability

Effective August 1, 2022.

SB 149 Engrossed

(Adds C.C. Art. 3493.11)

Summary of Amendments Adopted by Senate

actions in effect at the time of the injury or damage.

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Changes the one-year prescriptive period for delictual actions for injury or damages arising from the operation of any motor vehicle, aircraft, watercraft, or other means of conveyance <u>from</u> one-year <u>to</u> a two-year prescriptive period; and provides that this prescription commences to run from the day the injury or damage is sustained. Further provided that prescription does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the La. Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.