

2022 Regular Session

HOUSE BILL NO. 389

BY REPRESENTATIVE PRESSLY

1 AN ACT

2 To amend and reenact Civil Code Articles 3461 and 3472.1, to enact Code of Civil  
3 Procedure Article 196.2, and to repeal Code of Civil Procedure Article 562, relative  
4 to prescription and peremption; to provide for emergency suspension of certain  
5 prescription and peremption periods; to provide for the emergency suspension of  
6 abandonment periods; to provide relative to the Louisiana Supreme Court; to provide  
7 for emergency extension of certain deadlines; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Civil Code Articles 3461 and 3472.1 are hereby amended and reenacted  
10 to read as follows:

11 Art. 3461. Renunciation, interruption, or suspension ineffective

12 ~~Peremption~~ Except as otherwise provided by law, peremption may not be  
13 renounced, interrupted, or suspended.

14 \* \* \*

15 Art. 3472.1. Emergency suspension of prescription and peremption

16 ~~Notwithstanding any other provisions~~ provision of the law or any  
17 provision of an executive order or proclamation, in the event the governor, in  
18 response to declares a state of emergency or disaster, issues an executive order or  
19 proclamation pursuant to R.S. 29:721 through 772, ~~the Supreme Court of Louisiana~~  
20 ~~may enter an order or series of orders as deemed necessary and appropriate to~~  
21 ~~suspend all prescriptive and preemptive periods for a period of time not to exceed~~  
22 ~~ninety days. Thereafter, should the need for continuing suspension be necessary to~~

1 ~~preserve access to the courts, the governor may issue executive orders as deemed~~  
 2 ~~appropriate. The period of suspension authorized by the provisions of this Article~~  
 3 ~~shall terminate upon the earlier of an order of the Supreme Court of Louisiana or~~  
 4 ~~upon termination of the declared state of disaster or emergency. Nothing in this~~  
 5 ~~Article limits the authority of the governor or the legislature to act in accordance~~  
 6 ~~with its authority 775 that purports to suspend or extend liberative prescriptive or~~  
 7 ~~peremptive periods in all or part of the state, the executive order or proclamation~~  
 8 ~~shall have the effect of suspending only those liberative prescriptive or peremptive~~  
 9 ~~periods that would have otherwise accrued during the period of time specified in the~~  
 10 ~~order or proclamation or, if no period of time is specified, during the duration of the~~  
 11 ~~effectiveness of the executive order or proclamation. Upon the termination of the~~  
 12 ~~period of suspension, liberative prescription or peremption commences to run again~~  
 13 ~~and accrues upon the earlier of thirty days after the expiration of the period of~~  
 14 ~~suspension or in accordance with the period of time as calculated pursuant to Article~~  
 15 ~~3472.~~

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

19 Section 2. Code of Civil Procedure Article 196.2 is hereby enacted to read as  
 20 follows:

21 Art. 196.2. Power of Supreme Court to extend deadlines during emergencies

22 In the event that the governor declares a state of emergency or disaster  
 23 pursuant to R.S. 29:721 through 775, the Supreme Court of Louisiana, rather than  
 24 the governor, may issue orders suspending or extending deadlines applicable to legal  
 25 proceedings in courts, including periods of time applicable for abandonment of  
 26 actions, in all or part of the state of Louisiana. A court order suspending or  
 27 extending deadlines applicable to legal proceedings in courts shall have the effect of  
 28 extending only those deadlines that would have otherwise accrued during the period  
 29 of time specified in the order. After the period of suspension or extension has  
 30 expired, a party shall have an amount of time as specified in the court order to file

1            any pleading affected by the suspension or extension. If no amount of time is  
2            specified, a party shall have thirty days after the period of suspension or extension  
3            has expired.

4            Section 3. Code of Civil Procedure Article 562 is hereby repealed in its entirety.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_