2025 Regular Session

HOUSE BILL NO. 291

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BY REPRESENTATIVES GALLE, ADAMS, BAGLEY, BAYHAM, BERAULT, CARRIER, ROBBY CARTER, CARVER, CHASSION, CREWS, DICKERSON, EDMONSTON, EGAN, KNOX, STAGNI, TAYLOR, VENTRELLA, AND WILDER

AN ACT

2 To amend and reenact Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B) 3 and to enact Civil Code Articles 2315.1(F) and 2315.2(F), relative to prescription in 4 wrongful death and survival actions; to provide for a prescriptive period of two years 5 from the date of death of the deceased; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B) are 8 hereby amended and reenacted and Civil Code Articles 2315.1(F) and 2315.2(F) are hereby 9 enacted to read as follows: 10 Art. 2315.1. Survival action 11 A. If a person who has been injured by an offense or quasi offense dies, the 12 right to recover all damages for injury to that person, his property or otherwise, 13 caused by the offense or quasi offense, shall survive for a period of one year from 14 the death of the deceased or two years from the day that injury or damage is 15 sustained, whichever is longer, in favor of: 16 17 F. The prescriptive period for medical malpractice survival actions is 18 governed by R.S. 9:5628. 19 20 Art. 2315.2. Wrongful death action 21

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

B. The right of action granted by this Article prescribes one year from the death of the deceased or two years from the day that injury or damage is sustained,

whichever is longer.

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F. The right of action granted by this Article for medical malpractice actions

prescribes one year from the death of the deceased.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

HB NO. 291

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