

HOUSE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 109 by Senator Claitor

1 AMENDMENT NO. 1

2 On page 1, line 3, after "comprised of" delete the remainder of the line and delete lines 4
3 through 10 in their entirety and insert the following:

4 "R.S. 9:5826 and 5827, relative to prescription; to provide relative to preemptive and
5 prescriptive deadlines; to provide relative to legal deadlines; to provide for
6 applicability; and to provide for related matters."

7 AMENDMENT NO. 2

8 On page 1, delete lines 12 through 17 in their entirety and delete pages 2 and 3 in their
9 entirety and insert the following:

10 "Section 1. Part V of Chapter 1 of Code Title XXIV of Title 9 of the Louisiana
11 Revised Statutes of 1950, comprised of R.S. 9:5826 and 5827, is hereby enacted to read as
12 follows:

13 **§5826. Purpose**

14 **In response to the widespread flooding and power outages that occurred**
15 **in August of 2016, the governor of this state issued Executive Orders JBE**
16 **2016-53, 57, and 66, which, among other things, purports to suspend or extend**
17 **certain prescriptive periods and preemptive periods. The legislature finds that**
18 **it is necessary to provide for a clear termination of any suspension or extension**
19 **of prescriptive periods and preemptive periods created by these executive**
20 **orders in order to preserve a fair and consistent application of the laws of**
21 **prescription and preemption.**

22 **§5827. Suspension and extension of prescription and preemption; 2016 flooding**
23 **disaster**

24 **In accordance with Executive Orders JBE 2016-53, 57, and 66, all**
25 **prescriptive periods, including liberative, acquisitive, and the prescription of**
26 **nonuse, and all preemptive periods were suspended or extended for a period**
27 **beginning August 12, 2016, and ending September 30, 2016. To the extent that**
28 **any prescriptive period or preemptive period would have run on or before**
29 **September 30, 2017, but for the suspension or extension of the period pursuant**
30 **to the Executive Orders JBE 2016-53, 57, and 66, the prescriptive or preemptive**
31 **period will be deemed to have run upon the earlier of: (1) the date calculated**
32 **pursuant to Louisiana Civil Code Article 3472, or (2) September 30, 2017. The**
33 **suspension and extension of prescriptive periods and preemptive periods**
34 **contained in Executive Orders JBE 2016-53, 57, and 66 shall not apply to any**
35 **prescriptive period or preemptive period accruing on or after October 1, 2017."**