

SENATE BILL NO. 109

BY SENATOR CLAITOR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To enact Part V of Chapter 1 of Code Title XXIV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:5826 and 5827, relative to prescription; to provide relative to preemptive and prescriptive deadlines; to provide relative to legal deadlines; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

**§5826. Purpose**

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

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

**In accordance with Executive Orders JBE 2016-53, 57, and 66, all prescriptive periods, including liberative, acquisitive, and the prescription of nonuse, and all preemptive periods were suspended or extended for a period**

1 beginning August 12, 2016, and ending September 30, 2016. To the extent that  
 2 any prescriptive period or preemptive period would have run on or before  
 3 September 30, 2017, but for the suspension or extension of the period pursuant  
 4 to the Executive Orders JBE 2016-53, 57, and 66, the prescriptive or preemptive  
 5 period will be deemed to have run upon the earlier of: (1) the date calculated  
 6 pursuant to Louisiana Civil Code Article 3472, or (2) September 30, 2017. The  
 7 suspension and extension of prescriptive periods and preemptive periods  
 8 contained in Executive Orders JBE 2016-53, 57, and 66 shall not apply to any  
 9 prescriptive period or preemptive period accruing on or after October 1, 2017.

10 Section 2. This Act shall become effective upon signature by the governor or, if not  
 11 signed by the governor, upon expiration of the time for bills to become law without signature  
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 14 effective on the day following such approval.

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 PRESIDENT OF THE SENATE

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 GOVERNOR OF THE STATE OF LOUISIANA

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