

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 5

2018 Regular Session

Connick

PRESCRIPTION: Provides relative to the interruption of prescription

Synopsis of Senate Amendments

1. Changes "transaction and compromise" to "transaction or compromise".

Digest of Bill as Finally Passed by Senate

Present law provides that the filing of a suit in a competent court and in the proper venue or from service of process interrupts prescription as long as the suit is pending.

Present law provides that interruption is considered never to have occurred if the plaintiff abandons, voluntarily dismisses the action at any time either before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial.

Proposed law specifies that a settlement and subsequent dismissal of a defendant pursuant to a transaction or compromise does not qualify as a voluntary dismissal.

The provisions of proposed law are intended to codify the ruling of the court in *Pierce v. Foster Wheeler Constructors, Inc.*, 906 So.2d 605 (La. App. 1st Cir. 2005).

(Amends C.C. Art. 3463)