

2019 Regular Session

SENATE BILL NO. 191

BY SENATOR CHABERT

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

REAL ESTATE. Provides actions for damages against real estate appraisers, appraisal management companies, and real estate appraisal companies. (8/1/19)

1 AN ACT

2 To enact R.S. 9:5610, relative to civil liability for damages; to provide for preemption of
3 actions for damages against real estate appraisers, appraisal management companies,
4 and real estate appraisal companies; to provide for a prescriptive period for such
5 actions; to provide for applicability; to provide for exceptions; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:5610 is hereby enacted to read as follows:

9 **§5610. Actions against real estate appraisers, appraisal management**
10 **companies, and real estate appraisal companies; prescriptive and**
11 **peremptive periods**

12 **A. No action for damages against any real estate appraiser or appraisal**
13 **management company duly licensed under the laws of this state, or against any**
14 **real estate appraisal company, whether based in tort, breach of contract, or**
15 **otherwise arising out of an agreement to perform real estate appraisal services**
16 **or appraisal management company services, shall be brought unless filed in a**
17 **court of competent jurisdiction and proper venue within one year from the date**

1 of the act, omission, or neglect, or within one year from the date that the alleged
2 act, omission, or neglect is discovered or should have been discovered; however,
3 even as to actions filed within one year from the date of such discovery, in all
4 events such actions shall be filed at the latest within three years from the date
5 of the act, omission, or neglect.

6 B. The provisions of this Section are remedial and apply to all causes of
7 action without regard to the date when the alleged act, omission, or neglect
8 occurred. However, with respect to any alleged act, omission, or neglect
9 occurring prior to August 1, 2019, actions shall, in all events, be filed in a court
10 of competent jurisdiction and proper venue on or before August 1, 2020,
11 without regard to the date of discovery of the alleged act, omission, or neglect.
12 The one-year and three-year periods of limitation provided in Subsection A of
13 this Section are preemptive periods within the meaning of Civil Code Article
14 3458 and, in accordance with Civil Code Article 3461, may not be renounced,
15 interrupted, or suspended.

16 C. Notwithstanding any other law to the contrary, the prescriptive and
17 preemptive period in all actions brought in this state against any real estate
18 appraiser, appraisal management company, or real estate appraisal company
19 shall be governed exclusively by the provisions of this Section, and the scope of
20 the duty to clients and nonclients shall be determined exclusively by applicable
21 Louisiana rules of law, regardless of the domicile of the parties involved.

22 D. The prescriptive period provided in Subsection A of this Section shall
23 not apply in cases of fraud, as defined in Civil Code Article 1953.

24 E. The prescriptive period provided in Subsection A of this Section shall
25 not apply to any proceedings initiated by the Louisiana Real Estate Appraisers
26 Board.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

SB 191 Original

DIGEST
2019 Regular Session

Chabert

Proposed law provides that no action for damages against any real estate appraiser, appraisal management company, or real estate appraisal company, arising out of an engagement to perform real estate appraisal services, shall be brought unless filed within one year from the date of the act, omission, or neglect, or within one year from the date that the alleged act, omission, or neglect is discovered or should have been discovered, but in all events such actions shall be filed at the latest within three years from the date of the act, omission, or neglect.

Provides that proposed law is remedial and applies to all causes of action without regard to the date when the alleged act, omission, or neglect occurred.

Proposed law provides that the one-year and three-year periods of limitation are preemptive periods within the meaning of Civil Code Art. 3458 and, in accordance with Civil Code Art. 3461, may not be renounced, interrupted, or suspended.

Provides that all actions subject to the provision of proposed law shall be determined exclusively by applicable Louisiana rules of law, regardless of the domicile of the parties involved.

Proposed law shall not apply in cases of fraud and shall not apply to any proceedings initiated by the La. Real Estate Appraisers Board.

Effective August 1, 2019.

(Adds R.S. 9:5610)