
DIGEST

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HB 805 Original

2020 Regular Session

Pressly

Abstract: Suspends prescriptive and preemptive periods accruing from March 17, 2020 through April 13, 2020.

Present law provides various prescriptive and preemptive periods. C.C. Art. 3472 provides that a period of suspension is not counted towards the accrual of prescription. Prescription commences to run again upon the termination of the period of suspension. Proposed law does not alter present law.

Proposed law ratifies Proclamation JBE 2020-30, which due to the COVID-19 public health emergency created a limited suspension of all prescription and preemptive periods from March 17, 2020, through April 13, 2020.

Proposed law creates a limited suspension of all prescription and preemptive periods from March 17, 2020, through April 13, 2020, with certain exceptions.

Proposed law provides that this limited suspension of prescription shall apply only to a prescriptive or preemptive period which would have otherwise expire during the period from March 17, 2020, through April 13, 2020.

Proposed law provides that this limited suspension shall terminate on April 14, 2020, and any right, claim, or action which was suspended shall expire on June 14, 2020.

Proposed law creates a limited suspension and/or extension of all legal deadlines from March 17, 2020, through April 13, 2020.

Proposed law provides that if a legal deadline lapsed during the time period from March 17, 2020, through April 13, 2020, the party may seek an extension by contradictory motion or declaratory judgment, but in no case shall the deadline be extended beyond August 14, 2020.

Proposed law provides that this Act shall preempt and supersede but not repeal any conflicting provisions of law.

Proposed law provides that this Act is interpretative, curative, and procedural and shall be applied retroactively as well as prospectively.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 9:5828-5830)