
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 109 Original

2022 Regular Session

Green

Abstract: Provides for a two-year prescription period for delictual actions.

Present law (C.C. 3492) provides that delictual actions are subject to a liberative prescription of one year. Prescription commences from the day injury or damage is sustained and does not run against minors or interdicts in actions involving permanent disability and brought pursuant to product liability actions.

Present law (C.C. 3493) provides for a one-year liberative prescriptive period for damage caused to immovable property. Prescription commences from the day the owner of the immovable acquired or should have acquired knowledge of the damage.

Present law (C.C. 3493.10) provides for a two-year liberative prescriptive period for delictual actions for damages arising from an act defined as a crime of violence, except for any act of sexual assault which is subject to a liberative prescriptive period of three years.

Proposed law changes present law by increasing the one-year prescriptive period for delictual actions to a two-year prescriptive period. Proposed law otherwise retains the two- and three-year liberative prescriptive periods.

(Amends the heading of §1-A of Ch. 4 of Title XXIV of Book III of the C.C., and C.C. Art. 3493.10; Repeals C.C. Arts. 3492 and 3493)