

2022 Regular Session

SENATE BILL NO. 149

BY SENATOR TALBOT

PRESCRIPTION. Provides for delictual actions. (8/1/22)

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AN ACT

To amend and reenact Civil Code Arts. 3492 and 3493.10, relative to delictual actions; to provide for liberative prescription of delictual actions; to provide for delictual actions resulting from the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 3492 and 3493.10 are hereby amended and reenacted to read as follows:

Art. 3492. Delictual actions

~~Delictual actions~~ **Except as provided in Civil Code Article 3493.10, delictual actions** are subject to a liberative prescription of one year. This prescription commences to run from the day injury or damage is sustained. It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.

\* \* \*

Art. 3493.10. Delictual actions; two-year prescription; criminal act

1            Delictual actions ~~which arise due to damages sustained as a result of an act~~  
 2            ~~defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised~~  
 3            ~~Statutes of 1950, except as provided in Article 3496.2~~ **for injury or damage arising**  
 4            **from the operation or control of any motor vehicle, aircraft, watercraft, or**  
 5            **other means of conveyance**, are subject to a liberative prescription of two years.  
 6            This prescription commences to run from the day injury or damage is sustained. **It**  
 7            **does not run against minors or interdicts in actions involving permanent**  
 8            **disability and brought pursuant to the Louisiana Products Liability Act or state**  
 9            **law governing product liability actions in effect at the time of the injury or**  
 10           **damage.**

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Lebra R. Bias.

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## DIGEST

SB 149 Original

2022 Regular Session

Talbot

Present law provides a general one-year liberative prescriptive period for delictual actions (C.C. Art. 3492) and two-year 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 prescription of three years. (C.C. Art. 3493.10).

Proposed law increases the general one-year prescriptive period for delictual actions for injury or damages arising from the operation of any motor vehicle, aircraft, watercraft, or other means of conveyance to a two-year prescriptive period and retains the liberative prescription of three years for any act of sexual assault. Proposed law removes the two-year period for damages arising from an act defined as a crime of violence.

Effective August 1, 2022.

(Amends C.C. Arts. 3492 and 3493.10)