

2022 Regular Session

SENATE BILL NO. 130

BY SENATOR CONNICK

PRESCRIPTION. Provides for liberative prescription. (gov sig)

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AN ACT

To enact Civil Code Art. 3493.11, relative to liberative prescription; to provide for delictual actions resulting from the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance; to provide for two-year prescription; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 3493.11 is hereby enacted to read as follows:

Art. 3493.11. Delictual actions; two-year prescription; motor vehicle accidents

Delictual actions which arise due to injury or damages sustained as a result of an accident caused by the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance, are subject to a liberative prescription of two years. 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.

Section 2. The provisions of this act shall have prospective application only and shall

1 apply only to a cause of action arising on or after the effective date of this Act.

2 Section 3. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

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

DIGEST

SB 130 Engrossed

2022 Regular Session

Connick

Proposed law provides that delictual actions arising from damages resulting from the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance are subject to a liberative prescription of two years, commencing to run from the day the injury or damage is sustained.

Proposed law provides that present law does not run against minors or interdicts in actions involving permanent disability and brought pursuant to present law governing product liability actions in effect at the time of the injury or damage.

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

(Adds C.C. Art. 3493.11)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Changes delictual actions arising from motor vehicle accidents to delictual actions arising from the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance.
2. Adds "injury sustained" to the type of delictual action for which a claim may be brought.
3. Adds that liberative prescription does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the La. Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.