

2024 Regular Session

HOUSE BILL NO. 803

BY REPRESENTATIVE MUSCARELLO

(On Recommendation of the Louisiana State Law Institute)

CIVIL/PROCEDURE: Provides relative to interruption of prescription and venue

1 AN ACT

2 To amend and reenact Civil Code Article 3462 and Code of Civil Procedure Article 863(F),  
3 relative to prescription; to provide for the interruption of prescription; to provide for  
4 the imposition of sanctions; to provide for comments; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 3462 is hereby amended and reenacted to read as  
8 follows:

9 Art. 3462. Interruption by filing of suit action or by service of process

10 Prescription Unless otherwise expressly provided by legislation, prescription  
11 is interrupted when ~~the owner commences action against the possessor, or when the~~  
12 ~~obligee commences action against the obligor,~~ an action is commenced in a court of  
13 competent jurisdiction ~~and venue. If an action is commenced in an incompetent~~  
14 ~~court, or in an improper venue,~~ a court without competent jurisdiction, prescription  
15 is interrupted only as to a defendant served by process within the prescriptive period.

16 Revision Comments - 2024

17 This amendment changes the law. The filing of an action in a court of  
18 competent jurisdiction will interrupt the prescriptive period even if venue is  
19 improper. There are, however, numerous more specific statutes that still require an  
20 action to be filed in a court of both competent jurisdiction and proper venue in order  
21 to interrupt prescription, including R.S. 9:5604 (professional accounting liability),  
22 5605 (legal malpractice), 5606 (professional insurance agent liability), 5607  
23 (professional engineer, surveyor, interior designer, architect, and real estate  
24 developer liability), and 5608 (action against home inspectors).

1 Section 2. Code of Civil Procedure Article 863(F) is hereby amended and reenacted  
2 to read as follows:

3 Art. 863. Signing of pleadings; effect

4 \* \* \*

5 F. A sanction authorized in Paragraph D of this Article shall not be imposed  
6 with respect to an original petition ~~which~~ that is filed within sixty days of an  
7 applicable prescriptive date and then voluntarily dismissed or transferred to a court  
8 of proper venue within ninety days after its filing or on the date of a hearing on the  
9 pleading, whichever is earlier.

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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)]

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HB 803 Original

2024 Regular Session

Muscarello

**Abstract:** Provides with respect to interruption of prescription.

Present law (C.C. Art. 3462) provides that prescription is interrupted when an action is commenced in a court of competent jurisdiction and venue.

Proposed law retains present law but removes the requirement of proper venue.

Present law (C.C.P. Art. 863(F)) provides for the imposition of sanctions.

Proposed law retains present law but provides that sanctions shall not be imposed with respect to an original petition that is filed within 60 days of an applicable prescriptive date and then transferred to a court of proper venue.

(Amends C.C. Art. 3462 and C.C.P. Art. 863(F))