

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).

