

2025 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVES GALLE, ADAMS, BAGLEY, BAYHAM, BERAULT, CARRIER, ROBBY CARTER, CARVER, CHASSION, CREWS, DICKERSON, EDMONSTON, EGAN, KNOX, STAGNI, TAYLOR, VENTRELLA, AND WILDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides relative to prescriptive periods for wrongful death and survival actions

1 AN ACT

2 To amend and reenact Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B)  
3 and to enact Civil Code Articles 2315.1(F) and 2315.2(F), relative to prescription in  
4 wrongful death and survival actions; to provide for a prescriptive period of two years  
5 from the date of death of the deceased; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B) are  
8 hereby amended and reenacted and Civil Code Articles 2315.1(F) and 2315.2(F) are hereby  
9 enacted to read as follows:

10 Art. 2315.1. Survival action

11 A. If a person who has been injured by an offense or quasi offense dies, the  
12 right to recover all damages for injury to that person, his property or otherwise,  
13 caused by the offense or quasi offense, shall survive for a period of one year from  
14 the death of the deceased or two years from the day that injury or damage is  
15 sustained, whichever is longer, in favor of:

16 \* \* \*

17 F. The prescriptive period for medical malpractice survival actions is  
18 governed by R.S. 9:5628.

19 \* \* \*

1 Art. 2315.2. Wrongful death action

2 \* \* \*

3 B. The right of action granted by this Article prescribes one year from the  
4 death of the deceased or two years from the day that injury or damage is sustained,  
5 whichever is longer.

6 \* \* \*

7 F. The prescriptive period for medical malpractice actions for wrongful death  
8 is governed by R.S. 9:5628.

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 291 Reengrossed

2025 Regular Session

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**Abstract:** Extends the prescriptive period for wrongful death and survival actions.

Present law provides a prescriptive period of one year for survival actions.

Proposed law changes the prescriptive period for survival actions to one year from the death of the deceased, or two years from the day that injury is sustained, whichever is longer.

Present law provides a prescriptive period of one year for wrongful death actions.

Proposed law changes the prescriptive period for wrongful death actions to one year from the death of the deceased, or two years from the day that injury is sustained, whichever is longer.

Proposed law provides that the prescriptive period for medical malpractice survival and wrongful death actions are governed by present law (R.S. 9:5628).

(Amends C.C. Arts. 2315.1(A)(intro. para.) and 2315.2(B); Adds C.C. Arts 2315.1(F) and 2315.2(F))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Provide that the prescriptive period for medical malpractice survival and wrongful death actions is governed by R.S. 9:5628.
3. Provide that the prescriptive period for wrongful death and survival actions prescribes one year from the death of the deceased or two years from the day that injury or damage is sustained, whichever is longer.