

Regular Session, 2014

HOUSE BILL NO. 114

BY REPRESENTATIVE CONNICK

PRESCRIPTION: Extends the time within which to commence a lawsuit in certain civil cases

1 AN ACT

2 To enact Civil Code Article 3493.11 and to repeal Civil Code Article 3492, relative to
3 prescription; to provide a two-year prescriptive period for delictual actions; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 Art. 3493.11. Delictual actions

8 Delictual actions are subject to a liberative prescription of two years. This
9 prescription commences to run from the day injury or damage is sustained. It does
10 not run against minors or interdicts in actions involving permanent disability and
11 brought pursuant to the Louisiana Products Liability Act or state law governing
12 product liability actions in effect at the time of the injury or damage.

13 Section 2. Civil Code Article 3492 is hereby repealed in its entirety.

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)]

Connick

HB No. 114

Abstract: Increases the liberative prescriptive period for delictual actions from one to two years.

Present law provides that delictual actions are subject to a liberative prescription of one year, and that the prescriptive period commences to run from the day injury or damage is sustained.

Present law provides that the prescriptive period 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.

Proposed law retains present law but changes the liberative prescriptive period from one to two years.

(Adds C.C. Art. 3493.11; Repeals C.C. Art. 3492)