

2016 Regular Session

HOUSE BILL NO. 580

BY REPRESENTATIVE GAROFALO

REAL ESTATE/APPRAISERS: Provides relative to actions for damages against real estate appraisers and appraisal companies

1 AN ACT

2 To enact R.S. 9:5610, relative to civil liability for damages; to provide for peremption of
3 actions for damages against real estate appraisers and real estate appraisal
4 companies; to provide for a prescriptive period for such actions; to provide for
5 applicability; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:5610 is hereby enacted to read as follows:

8 §5610. Actions against real estate appraisers and real estate appraisal companies;
9 prescriptive and preemptive periods

10 A. No action for damages against any real estate appraiser duly licensed
11 under the laws of this state, or against any real estate appraisal company, whether
12 based in tort, breach of contract, or otherwise arising out of an agreement to perform
13 real estate appraisal services, shall be brought unless filed in a court of competent
14 jurisdiction and proper venue within one year from the date of the act, omission, or
15 neglect, or within one year from the date that the alleged act, omission, or neglect is
16 discovered or should have been discovered; however, even as to actions filed within
17 one year from the date of such discovery, in all events such actions shall be filed at
18 the latest within three years from the date of the act, omission, or neglect.

19 B. The provisions of this Section are remedial and apply to all causes of
20 action without regard to the date when the alleged act, omission, or neglect occurred.

21 The one-year and three-year periods of limitation provided in Subsection A of this
22 Section are preemptive periods within the meaning of Civil Code Article 3458 and,

1 in accordance with Civil Code Article 3461, may not be renounced, interrupted, or
2 suspended.

3 C. Notwithstanding any other law to the contrary, the prescriptive and
4 peremptive period in all actions brought in this state against any real estate appraiser
5 or real estate appraisal company shall be governed exclusively by the provisions of
6 this Section, and the scope of the duty to clients and non-clients shall be determined
7 exclusively by applicable Louisiana rules of law, regardless of the domicile of the
8 parties involved.

9 D. The prescriptive period provided in Subsection A of this Section shall not
10 apply in cases of fraud, as defined in Civil Code Article 1953.

11 E. The prescriptive period provided in Subsection A of this Section shall not
12 apply to any proceedings initiated by the Louisiana Real Estate Appraisers Board.

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 580 Engrossed

2016 Regular Session

Garofalo

Abstract: Provides a one-year prescriptive and three-year peremptive period for action against real estate appraisers and real estate appraisal companies.

Proposed law provides that no action for damages against any real estate appraiser or real estate appraisal company, arising out of an engagement to perform real estate appraisal services, shall be brought unless filed within one year from the date of the act, omission, or neglect, or within one year from the date that the alleged act, omission, or neglect is discovered or should have been discovered, but in all events such actions shall be filed at the latest within three years from the date of the act, omission, or neglect.

Provides that proposed law is remedial and applies to all causes of action without regard to the date when the alleged act, omission, or neglect occurred.

Proposed law provides that the one-year and three-year periods of limitation are peremptive periods within the meaning of Civil Code Article 3458 and, in accordance with Civil Code Article 3461, may not be renounced, interrupted, or suspended.

Provides that all actions subject to the provision of proposed law shall be determined exclusively by applicable Louisiana rules of law, regardless of the domicile of the parties involved.

Proposed law shall not apply in cases of fraud and shall not apply to any proceedings initiated by the La. Real Estate Appraisers Board.

(Adds R.S. 9:5610)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Changes references from "preemptive" to "peremptive".