

2022 Regular Session

HOUSE BILL NO. 13

BY REPRESENTATIVE NELSON

PRESCRIPTION: Provides for a prescriptive period for delictual actions for damages arising from the operation of a vehicle

1 AN ACT

2 To enact Civil Code Article 3493.11, relative to prescription; to extend the prescriptive
3 period for certain delictual actions; to provide for a prescriptive period for delictual
4 actions for damages arising from the operation of a vehicle; to provide for
5 definitions; to provide for effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 Art. 3493.11. Delictual Actions; two-year prescription; vehicles

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

15 B. As used in this Article, "vehicle" means any motor vehicle, aircraft,
16 vessel, or other means of conveyance.

17 Section 3. The provisions of this Act shall have prospective application only and
18 shall apply only to actions where the right to file a pleading or motion to enforce any right,
19 claim, or action has not expired on the day this Act is effective.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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 13 Original

2022 Regular Session

Nelson

Abstract: Increases the prescriptive period for tort actions regarding damages sustained during the operation or control of a vehicle from one year to two years.

Present law provides for a general one-year liberative prescriptive period for delictual actions (C.C. Art. 3492).

Proposed law increases the one-year prescriptive period for delictual actions involving vehicles to a two-year liberative prescriptive period, commencing from the day injury or damage is sustained.

Proposed law provides that prescription 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 at the time of the injury or damage.

Proposed law defines vehicle as any motor vehicle, aircraft, vessel, or other means of conveyance.

Proposed law provides that proposed law is prospective and shall apply only to actions where the right to file a pleading or motion to enforce any right, claim, or action has not expired on the day proposed law is effective.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds C.C. Art. 3493.11)