

2015 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVES PATRICK WILLIAMS AND SEABAUGH

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

PRESCRIPTION: Provides for the liberative prescriptive period applicable to certain actions

1 AN ACT

2 To amend and reenact Civil Code Article 3494 and to enact Section 3-A of Chapter 4 of
3 Title XXIV of Book III of the Civil Code, to be comprised of Articles 3498.1 and
4 3498.2, relative to liberative prescription; to increase the prescriptive period
5 applicable to certain actions arising from contracts; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Article 3494 is hereby amended and reenacted and Section 3-
9 A of Chapter 4 of Title XXIV of Book III of the Civil Code, comprised of Articles 3498.1
10 and 3498.2, is hereby enacted to read as follows:

11 Art. 3494. Actions subject to a three-year prescription

12 The following actions are subject to a liberative prescription of three years:

13 (1) ~~An action for the recovery of compensation for services rendered,~~
14 ~~including payment of salaries, wages, commissions, tuition fees, professional fees,~~
15 ~~fees and emoluments of public officials, freight, passage, money, lodging, and~~
16 ~~board;~~

17 (2) ~~An action for arrearages of rent and annuities;~~

18 (3) ~~An action on money lent;~~

19 (4) ~~An action on an open account; and~~

1 ~~(5)~~(2) An action to recover underpayments or overpayments of royalties
2 from the production of minerals, provided that nothing herein applies to any
3 payments, rent, or royalties derived from state-owned properties.

4 * * *

5 Section 3-A. SEVEN YEAR PRESCRIPTION

6 Art. 3498.1. Actions subject to a seven-year prescription

7 The following actions are subject to a liberative prescription of seven years:

8 (1) An action on an open account.

9 (2) An action for arrearages of rent and annuities.

10 (3) An action for the recovery of compensation for services rendered,
11 including payment of salaries, wages, commissions, tuition fees, professional fees,
12 fees and emoluments of public officials, freight, passage, money, lodging, and
13 board.

14 Art. 3498.2. Commencement and accrual of prescription

15 This prescription commences to run from the day payment is exigible. It
16 accrues as to past due payments even if there is a continuation of labor, supplies, or
17 other services.

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 492 Original

2015 Regular Session

Patrick Williams

Abstract: Increases present law liberative prescription for actions on an open account, actions for arrearages of rent and annuities, and actions for the recovery of compensation for services rendered from three years to seven years.

Present law provides for a liberative prescriptive period of three years for the following actions:

- (1) For the recovery of compensation for services rendered, wages, commissions, tuition fees, professional fees, fees and emoluments of public officials, freight, passage, money, lodging, and board.
- (2) For arrearages of rent and annuities.
- (3) On money lent.

- (4) On an open account.
- (5) To recover underpayments or overpayments of royalties from the production of minerals, except it does not apply to any payments, rent, or royalties derived from state-owned properties.

Proposed law increases present law liberative prescription from three years to seven years for actions on an open account, actions for arrearages of rent and annuities, and actions for the recovery of compensation for services rendered.

(Amends C.C. Art. 3494; Adds C.C. Arts. 3498.1 and 3498.2)