

2020 Regular Session

SENATE BILL NO. 96

BY SENATOR WARD

PRESCRIPTION. Provides relative to certain prescriptive periods for delictual actions.
(8/1/20)

1 AN ACT

2 To amend and reenact Civil Code Articles 3492 and 3493, relative to prescription; to
3 provide for certain prescriptive periods; to provide terms and conditions; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Articles 3492 and 3493 are hereby amended and reenacted to
7 read as follows:

8 Art. 3492. Delictual actions

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

14 Art. 3493. Damage to immovable property; commencement and accrual of
15 prescription

16 When damage is caused to immovable property, the ~~one~~ **two** year
17 prescription commences to run from the day the owner of the immovable acquired,

1 or should have acquired, knowledge of the damage.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 96 Original 2020 Regular Session Ward

Present law in Civil Code provides prescriptive period of one year for certain delictual actions. Proposed law increases time from one year to two years.

Present law in Civil Code provides prescriptive period of one year when damage is caused to immovable property, and that prescription commences to run on the day the owner knew or should have known of the damage. Proposed law increases time from one year to two years.

Effective August 1, 2020.

(Amends C.C. Art. 3492 and 3493)