

SENATE BILL NO. 60

BY SENATORS KOSTELKA AND THOMPSON

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

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AN ACT

To amend and reenact Civil Code Article 3497, and to enact R.S. 3:4278.1(G) and 4278.2(G), relative to liberative prescription; to increase the prescriptive period for an action for damages for the harvesting of timber without the consent of the owner; to provide relative to an action for damages caused by the harvesting and sale of timber without the consent of the owner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 3497 is hereby amended and reenacted to read as follows:

Art. 3497. Actions subject to a five year prescription

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

An action for annulment of a testament;

An action for the reduction of an excessive donation; ~~and~~

An action for the rescission of a partition and warranty of portions: **and**

An action for damages for the harvesting of timber without the consent of the owner.

This prescription is suspended in favor of minors, during minority.

Section 2. R.S. 3:4278.1(G) and 4278.2(G) are hereby enacted to read as follows:

§4278.1. Trees, cutting without consent; penalty

* * *

G. Notwithstanding any other provision of law to the contrary, a civil action pursuant to provisions of this Section shall be subject to a liberative prescriptive period of five years.

1 §4278.2. Sale of undivided timber interest; consent of co-owners; theft

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3 G. Notwithstanding any other provision of law to the contrary, a civil
4 action pursuant to provisions of this Section shall be subject to a liberative
5 prescriptive period of five years.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____