

2020 First Extraordinary Session

HOUSE BILL NO. 5

BY REPRESENTATIVE MARINO

CIVIL/LAW: Provides for the emergency suspension of time limitations in certain civil proceedings (Item #40)

1 AN ACT

2 To enact Civil Code Article 3472.1 and Code of Civil Procedure Article 562, relative to civil  
3 proceedings; to provide relative to declaration of emergencies or disasters; to provide  
4 relative to suspension of prescription and peremption periods and other legal  
5 deadlines; to provide relative to the suspension of abandonment; to provide for  
6 cessation of suspension; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Article 3472.1 is hereby enacted to read as follows:

9 Art. 3472.1. Emergency suspension of prescription and peremption

10 A. Notwithstanding any other provisions of the law, in the event the  
11 governor declares a state of emergency or disaster pursuant to R.S. 29:721 through  
12 772, the Supreme Court of Louisiana may enter an order or series of orders as  
13 deemed necessary and appropriate to suspend all prescriptive and peremptive periods  
14 for a period of time not to exceed ninety days. Thereafter, should the need for  
15 continuing suspension be necessary to preserve access to the courts, the governor  
16 may issue executive orders as deemed appropriate. The period of suspension  
17 authorized by the provisions of this Article shall terminate upon the earlier of an  
18 order of the Supreme Court of Louisiana or upon termination of the declared state  
19 of disaster or emergency. Nothing in this Article limits the authority of the governor  
20 or the legislature to act in accordance with its authority.

1           B. The right to file any pleading subject to the suspension as provided by  
2           Paragraph A of this Article shall terminate sixty days after the termination of the  
3           suspension as provided by Paragraph A of this Article.

4           Section 2. Code of Civil Procedure Article 562 is hereby enacted to read as follows:

5           Art. 562. Emergency suspension of abandonment

6           A. Notwithstanding any other provisions of law to the contrary, in the event  
7           the governor declares a state of emergency or disaster pursuant to R.S. 29:721  
8           through 772, the Supreme Court of Louisiana may enter an order or series of orders  
9           as deemed necessary and appropriate to suspend the period of abandonment for a  
10          period of time not to exceed ninety days. Thereafter, should the need for continuing  
11          suspension be necessary to preserve access to the courts, the governor may issue  
12          executive orders as deemed appropriate. The period of suspension authorized by the  
13          provisions of this Article shall terminate upon the earlier of an order of the Supreme  
14          Court of Louisiana or upon termination of the declared state of disaster or  
15          emergency. Nothing in this Article limits the authority of the governor or the  
16          legislature to act in accordance with its authority.

17          B. The right to file any pleading subject to the suspension as provided by  
18          Paragraph A of this Article shall terminate sixty days after the termination of the  
19          suspension as provided by Paragraph A of this Article.

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

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**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)]

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HB 5 Reengrossed

2020 First Extraordinary Session

Marino

**Abstract:** Provides for the suspension of prescriptive, preemptive, and abandonment periods by the supreme court in the event of a declaration of emergency or disaster by the governor.

Present law provides for various prescriptive, preemptive, or abandonment periods.

Proposed law provides that the Supreme Court of Louisiana may suspend the running of prescriptive, preemptive, and abandonment periods for a period up to 90 days if a state of emergency or disaster is declared by the governor.

Proposed law provides for continuing suspensions if the governor issues further executive orders after the 90 days have run.

Proposed law provides for the period of suspension to terminate upon the earlier of an order of the Supreme Court of Louisiana or termination of the declared state of emergency or disaster.

Proposed law provides that the right to file any pleading subject to the suspension shall terminate sixty days after the termination of the suspension.

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

(Adds C.C. Art. 3472.1 and C.C.P. Art. 562)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Specify that declarations of disaster are included in proposed law.
2. Make technical changes.