

2022 Regular Session

HOUSE BILL NO. 109

BY REPRESENTATIVE GREEN

PRESCRIPTION: Provides relative to prescription of delictual actions

1 AN ACT

2 To amend and reenact the heading of 1-A of Chapter 4 of Title XXIV of Book III of the
3 Civil Code and Civil Code Article 3493.10 and to repeal Section 1 of Chapter 4 of
4 Title XXIV of Book III of the Civil Code, comprised of Civil Code Articles 3492
5 and 3493, relative to prescription; to provide relative to delictual actions; to provide
6 for a prescriptive period of two years for delictual actions; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Section 1-A of Chapter 4 of Title XXIV of Book III of the
10 Civil Code and Civil Code Article 3493.10 are hereby amended and reenacted to read as
11 follows:

12 SECTION ~~1-A~~ 1. TWO-YEAR PRESCRIPTION

13 Art. 3493.10. Delictual actions; two-year prescription; ~~criminal act~~
14 Delictual actions ~~which arise due to damages sustained as a result of an act~~
15 ~~defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised~~
16 ~~Statutes of 1950~~, except as provided in Article 3496.2, are subject to a liberative
17 prescription of two years. This prescription commences to run from the day injury
18 or damage is sustained. It does not run against minors or interdicts in actions
19 involving permanent disability and brought pursuant to the Louisiana Products

1 Liability Act or state law governing product liability actions in effect at the time of
2 injury or damage.

3 When damage is caused to immovable property, the two-year prescription
4 commences to run from the day the owner of the immovable acquired, or should
5 have acquired, knowledge of the damage.

6 Section 2. Section 1 of Chapter 4 of Title XXIV of Book III of the Civil Code,
7 comprised of Civil Code Articles 3492 and 3493, is hereby repealed in its entirety.

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 109 Original

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Green

Abstract: Provides for a two-year prescription period for delictual actions.

Present law (C.C. 3492) provides that delictual actions are subject to a liberative prescription of one year. Prescription commences from the day injury or damage is sustained and does not run against minors or interdicts in actions involving permanent disability and brought pursuant to product liability actions.

Present law (C.C. 3493) provides for a one-year liberative prescriptive period for damage caused to immovable property. Prescription commences from the day the owner of the immovable acquired or should have acquired knowledge of the damage.

Present law (C.C. 3493.10) provides for a two-year liberative prescriptive period for delictual actions for damages arising from an act defined as a crime of violence, except for any act of sexual assault which is subject to a liberative prescriptive period of three years.

Proposed law changes present law by increasing the one-year prescriptive period for delictual actions to a two-year prescriptive period. Proposed law otherwise retains the two- and three-year liberative prescriptive periods.

(Amends the heading of §1-A of Ch. 4 of Title XXIV of Book III of the C.C., and C.C. Art. 3493.10; Repeals C.C. Arts. 3492 and 3493)