SLS 24RS-557 ORIGINAL

2024 Regular Session

SENATE BILL NO. 334

BY SENATOR TALBOT

1

PRESCRIPTION. Provides relative to certain prescriptive periods for delictual actions. (8/1/24)

AN ACT

2	To amend and reenact Civil Code Arts. 3492 and 3493 and to enact Code of Civil Procedure
3	Art. 1424.1, relative to prescription; to provide for certain prescriptive periods; to
4	provide relative to delictual actions; to provide with respect to personal injury,
5	discovery, medical treatment, and limitation on recovery; to provide terms,
6	conditions, and procedures; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Civil Code Arts. 3492 and 3493 are hereby amended and reenacted to read
9	as follows:
10	Art. 3492. Delictual actions
11	$\underline{\mathbf{A}}$. Delictual actions are subject to a liberative prescription of one year $\underline{\mathbf{two}}$
12	years. This prescription commences to run from the day injury or damage is
13	sustained. It does not run against minors or interdicts in actions involving permanent
14	disability and brought pursuant to the Louisiana Products Liability Act or state law
15	governing product liability actions in effect at the time of the injury or damage.
16	B. Prescription for delictual actions related to personal injury shall be
17	subject to the provisions of Code of Civil Procedure Article 1424.1.

1

2	prescription
3	When damage is caused to immovable property, the one year two years
4	prescription commences to run from the day the owner of the immovable acquired,
5	or should have acquired, knowledge of the damage.
6	Section 2. Code of Civil Procedure Art. 1424.1 is hereby enacted to read as follows:
7	Art. 1424.1. Personal injury; discovery; medical treatment; limitation on
8	recovery
9	Any action for personal injury shall be subject to the following
10	conditions and restrictions relative to production and disclosure:
11	(1) A plaintiff who intends to pursue a personal injury action shall advise
12	the insurer and other potential defendants in writing within ninety days of
13	receiving accident related medical treatment.
14	(2) There shall be no recovery for any medical treatment not disclosed
15	to the insurer and other potential defendants within ninety days of receipt of the
16	<u>treatment.</u>
17	(3) Evidence of medical treatment not disclosed to the insurer and other
18	potential defendants within ninety days shall be inadmissible and shall serve to
19	bar recovery.
20	(4) The insurer and other defendants in a personal injury action shall
21	have a right to conduct discovery prior to suit being filed. Discovery shall
22	include written discovery, examination under oath of the plaintiff, any potential
23	witnesses and plaintiff treating physicians and other experts.
	The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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

DIGEST
SB 334 Original 2024 Regular Session

Talbot

<u>Present law</u> (C.C. Art. 3492) provides prescriptive period of one year for certain delictual actions. <u>Proposed law</u> increases time <u>from</u> one year <u>to</u> two years.

<u>Proposed law</u> provides that prescription for delictual actions related to personal injury shall be subject to the provisions of <u>present law</u> (C.C.P. Art. 1424.1).

Page 2 of 3

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

<u>Present law</u> (C.C. Art. 3493) 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. <u>Proposed law</u> increases time <u>from</u> one year <u>to</u> two years.

<u>Proposed law</u> (C.C.P. Art. 1424.1) provides that any action for personal injury shall be subject to the following conditions and restrictions relative to production and disclosure:

- (1) A plaintiff who intends to pursue a personal injury action shall advise the insurer and other potential defendants in writing within 90 days of receiving accident related medical treatment.
- (2) There shall be no recovery for any medical treatment not disclosed to the insurer and other potential defendants within 90 days of receipt of the treatment.
- (3) Evidence of medical treatment not disclosed to the insurer and other potential defendants within 90 days shall be inadmissible and shall serve to bar recovery.
- (4) The insurer and other defendants in a personal injury action shall have a right to conduct discovery prior to suit being filed. <u>Proposed law provides that discovery shall include written discovery, examination under oath of the plaintiff, any potential witnesses and plaintiff treating physicians and other experts.</u>

Effective August 1, 2024.

(Amends C.C. Arts. 3492 and 3493; adds C.C.P. Art. 1424.1)