

12020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 25

BY REPRESENTATIVE GREGORY MILLER

CIVIL/ACTIONS: Provides for the suspension of all civil prescriptive, peremptive, filing, and other deadlines in response to the COVID-19 Public Health Emergency declared by the governor

1 A CONCURRENT RESOLUTION

2 To suspend until September 30, 2020, the provisions of all laws which apply to all legal  
3 deadlines, including liberative prescription, peremptive periods, lien periods, and  
4 filing deadlines applicable to legal proceedings in all courts, administrative agencies,  
5 and boards.

6 WHEREAS, as a direct consequence of the COVID-19 Public Health Emergency  
7 declared by the governor, there are extreme challenges to maintain adequate staffing of the  
8 courts and related systems of government without further risk of the spread of disease to the  
9 citizens of Louisiana; and

10 WHEREAS, the COVID-19 Public Health Emergency has created an obstruction to  
11 residents attempting to timely exercise their rights to effectively pursue or defend claims in  
12 legal, administrative, and regulatory proceedings; and

13 WHEREAS, Article I, Section 22 of the Constitution of Louisiana provides that all  
14 courts shall be open, and every person shall have an adequate remedy by due process of law  
15 and justice, administered without denial, partiality, or unreasonable delay, for injury to him  
16 in his person, property, reputation, or other rights; and

17 WHEREAS, the disruption of services and infrastructure to our system of justice  
18 caused by this emergency event will have a significant impact on the basic rights of citizens  
19 unless action is taken to suspend the effects of the tolling of legal delays during the period  
20 of this emergency; and

1           WHEREAS, pursuant to the authority granted by Article III, Section 20 of the  
2 Constitution of Louisiana, it is necessary for the Legislature of Louisiana to suspend the  
3 effects of all legal deadlines, including liberative prescription, preemptive periods, lien  
4 periods, and filing deadlines applicable to legal proceedings in all courts, administrative  
5 agencies, and boards.

6           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends  
7 the provisions of all laws which apply to all legal deadlines, including liberative prescription,  
8 preemptive periods, lien periods, and filing deadlines applicable to legal proceedings in all  
9 courts, administrative agencies, and boards, including but not limited to such deadlines set  
10 forth by law within all of the following:

11           (1) Louisiana Civil Code.

12           (2) Louisiana Code of Civil Procedure.

13           (3) Title 9 of the Louisiana Revised Statutes of 1950, Civil Code Ancillaries.

14           (4) Title 13 of the Louisiana Revised Statutes of 1950, Courts and Judicial  
15 Procedure.

16           (5) Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, Election  
17 Campaign Finance.

18           (6) Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950, Workers'  
19 Compensation.

20           (7) Part IV of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised  
21 Statutes of 1950, Malpractice Liability for State Services.

22           (8) Part I of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised  
23 Statutes of 1950, Medical Malpractice.

24           (9) Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, Administrative  
25 Procedure.

26           (10) Titles 38 and 48 and all other Codes and Titles of the Louisiana Revised  
27 Statutes of 1950.

28           BE IT FURTHER RESOLVED that the suspension by this Resolution of  
29 prescriptive periods, lien periods, preemptive periods, and all legal deadlines is limited to  
30 the time period of March 16, 2020, through September 30, 2020, and the suspension is

1 further limited and shall apply only if the prescriptive period, lien period, preemptive period,  
2 or legal deadline would have otherwise lapsed.

3 BE IT FURTHER RESOLVED that this limited suspension shall terminate on  
4 September 30, 2020, and any right, claim, or action which would have expired during the  
5 time period of March 16, 2020, through September 30, 2020, shall lapse on October 1, 2020.

6 BE IT FURTHER RESOLVED that with respect to any prescriptive period, lien  
7 period, preemptive period, or legal deadline which would not have lapsed during the time  
8 period of March 16, 2020, through September 30, 2020, the period of suspension provided  
9 by this Resolution shall be counted toward accrual of the prescriptive period, lien period,  
10 preemptive period, or legal deadline, notwithstanding the provisions of Civil Code Article  
11 3472.

12 BE IT FURTHER RESOLVED that this suspension shall become effective upon  
13 adoption of this Resolution and shall extend through September 30, 2020.

---

#### 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)]

---

HCR 25 Engrossed

2020 Regular Session

Gregory Miller

Suspends the provisions of all laws which apply to all legal deadlines, including liberative prescription, preemptive periods, lien periods, and filing deadlines applicable to legal proceedings in all courts, administrative agencies, and boards.

(Suspends all legal deadlines set forth by law, including deadlines contained in the following: (1) Civil Code; (2) Code of Civil Procedure; (3) Title 9 of the La. Revised Statutes; (4) Title 13 of the La. Revised Statutes; (5) Chapter 11 of Title 18 of the La. Revised Statutes; (6) Chapter 10 of Title 23 of the La. Revised Statutes; (7) Part IV of Subchapter E of Chapter 5-D of Title 40 of the La. Revised Statutes; (8) Part I of Subchapter E of Chapter 5-D of Title 40 of the La. Revised Statutes; (9) Chapter 13 of Title 49 of the La. Revised Statutes; and (10) Titles 38 and 48 of the La. Revised Statutes)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Specify that lien periods, Titles 38 and 48 of the La. Revised Statutes, and all other Codes and Titles of the La. Revised Statutes are included in the suspension.
2. Add March 16, 2020, through September 30, 2020, as the period to apply the proposed suspension.
3. Limit applicability to matters which would have expired from March 16, 2020, through September 30, 2020.

4. Specify that the period of March 16, 2020, through September 30, 2020, shall be counted toward the accrual of actions which would not have expired during the effective dates of the suspension.