

2024 Regular Session

HOUSE BILL NO. 229

BY REPRESENTATIVE GREEN

PRESCRIPTION: Requires a three-year prescription on torts

1 AN ACT

2 To enact Civil Code Articles 3496.3 and 3496.4 and to repeal Civil Code Articles 3492 and  
3 3493, relative to tort actions; to provide prescriptive periods for tort actions; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Articles 3496.3 and 3496.4 are hereby enacted to read as  
7 follows:

8 Art. 3496.3. Delictual actions

9 Delictual actions are subject to a liberative prescription of three years. This  
10 prescription commences to run from the day injury or damage is sustained. It does  
11 not run against minors or interdicts in actions involving permanent disability and  
12 brought pursuant to the Louisiana Products Liability Act or state law governing  
13 product liability actions in effect at the time of the injury or damage.

14 Art. 3496.4. Damage to immovable property; commencement and accrual of  
15 prescription

16 When damage is caused to immovable property, the three-year prescription  
17 commences to run from the day the owner of the immovable acquired, or should  
18 have acquired, knowledge of the damage.

19 Section 2. Civil Code Articles 3492 and 3493 are hereby repealed in their entirety.

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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 229 Original

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**Abstract:** Changes prescriptive periods for tort actions from one year to three years.

Present law provides that delictual actions and actions involving damage to immovable property have a liberative prescription of one year.

Proposed law removes present law and provides that the tort actions have a liberative prescription of three years.

(Adds C.C. Arts. 3496.3 and 3496.4; Repeals C.C. Arts. 3492 and 3493)