

2024 Regular Session

HOUSE BILL NO. 315

BY REPRESENTATIVE MIKE JOHNSON

PRESCRIPTION: Extends prescription on tort actions

1 AN ACT

2 To enact Civil Code Articles 3493.11 and 3493.12, and to repeal Civil Code Articles 3492
3 and 3493, relative to tort actions; to provide prescriptive periods for tort actions; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Articles 3493.11 and 3493.12 are hereby enacted to read as
7 follows:

8 Art. 3493.11. Delictual actions

9 Delictual actions are subject to a liberative prescription of two 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. 3493.12. Damage to immovable property; commencement and accrual of
15 prescription

16 When damage is caused to immovable property, the two 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 Civil Code Articles 3492 and 3493 are hereby repealed their entirety.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 315 Original

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Mike Johnson

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

(Adds C.C. Art. 3493.11 and 3493.12; Repeals C.C. Art. 3492 and 3493)