

2025 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVE GALLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides relative to prescriptive periods for wrongful death and survival actions

1 AN ACT

2 To amend and reenact Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B),
3 relative to prescription in wrongful death and survival actions; to provide for a
4 prescriptive period of two years from the date of death of the deceased; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B) are
8 hereby amended and reenacted to read as follows:

9 Art. 2315.1. Survival action

10 A. If a person who has been injured by an offense or quasi offense dies, the
11 right to recover all damages for injury to that person, his property or otherwise,
12 caused by the offense or quasi offense, shall survive for a period of ~~one year~~ two
13 years from the death of the deceased in favor of:

14 * * *

15 Art. 2315.2. Wrongful death action

16 * * *

17 B. The right of action granted by this Article prescribes ~~one year~~ two years
18 from the death of the deceased.

19 * * *

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 291 Original

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Abstract: Extends the prescriptive period for wrongful death and survival actions.

Present law provides a prescriptive period of one year for survival actions.

Proposed law changes the prescriptive period for survival actions from one year to two years.

Present law provides a prescriptive period of one year for wrongful death actions.

Proposed law changes the prescriptive period for wrongful death actions from one year to two years.

(Amends C.C. Arts. 2315.1(A)(intro. para.) and 2315.2(B))