

2016 Regular Session

HOUSE BILL NO. 282

BY REPRESENTATIVE CONNICK

PRESCRIPTION: Provides for a liberative prescriptive period of two years

## 1 AN ACT

2 To amend and reenact Civil Code Article 3493.10 and to repeal Civil Code Article 3492,  
3 relative to liberative prescription; to provide for a two-year liberative prescriptive  
4 period for delictual actions; to repeal the one-year prescriptive period for delictual  
5 actions; to provide for a contingent effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 3493.10 is hereby amended and reenacted to read as  
8 follows:

9 Art. 3493.10. Delictual actions; two-year prescription; ~~criminal act~~

10 Delictual actions ~~which arise due to damages sustained as a result of an act~~  
11 ~~defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised~~  
12 ~~Statutes of 1950~~ are subject to a liberative prescription of two years. This  
13 prescription commences to run from the day injury or damage is sustained. It does  
14 not run against minors or interdicts in actions involving permanent disability and  
15 brought pursuant to the Louisiana Products Liability Act or state law governing  
16 product liability actions in effect at the time of the injury or damage.

17 Section 2. Civil Code Article 3492 is hereby repealed in its entirety.

18 Section 3. It is the intent of the legislature that this Act and the Act which originated  
19 as House Bill 89 of the 2016 Regular Session shall both become effective or neither of them  
20 shall become effective. This Act and the Act which originated as House Bill 89 of this 2016

- 1 Regular Session shall become effective only if both this Act and the Act which originated  
2 as House Bill 89 of this 2016 Regular Session are enacted by the legislature and are signed  
3 by the governor, become law without signature by the governor, or are vetoed by the  
4 governor but subsequently approved by the legislature.
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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 282 Original

2016 Regular Session

Connick

**Abstract:** Changes the one-year liberative prescriptive period for delictual actions to a two-year prescriptive period.

Present law provides a general one-year liberative prescriptive period for delictual actions (C.C. Art. 3492), and a two-year period for delictual actions for damages arising from an act defined as a crime of violence (C.C. Art. 3493.10).

Present law (R.S. 9:5628) provides a special one-year prescriptive period for medical malpractice actions.

Proposed law retains the present law one-year prescriptive period with respect to medical malpractice actions pursuant to R.S. 9:5628.

Proposed law increases the general one-year prescriptive period for delictual actions to a two-year prescriptive period.

The effective date of proposed law is contingent upon the passage of House Bill 89 of this 2016 Regular Session, and the effective date of House Bill 89 of this 2016 Regular Session is contingent upon the passage of this legislation.

(Amends C.C. Art. 3493.10; Repeals C.C. Art. 3492)