

2016 Regular Session

HOUSE BILL NO. 734

BY REPRESENTATIVE ABRAMSON

CIVIL/PROCEDURE: Provides relative to certain procedures in civil proceedings

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 596(A) and to enact Code of Civil
3 Procedure 596(C), relative to civil procedure; to provide for certain actions; to
4 provide for limitations on suspension of liberative prescription; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 596(A) is hereby amended and reenacted
8 and Code of Civil Procedure Article 596(C) is hereby enacted to read as follows:

9 Art. 596. Prescription; suspension

10 A. Liberative prescription on the claims arising out of the transactions or
11 occurrences described in a petition brought on behalf of a class is suspended on the
12 filing of the petition as to all members of the class as defined or described therein.

13 Prescription which has been suspended as provided herein, begins to run again:

14 (1) As to any person electing to be excluded from the class, thirty days from
15 the submission of that person's election form;_

16 (2) As to any person excluded from the class pursuant to Article 592, thirty
17 days after mailing or other delivery or publication of a notice to such person that the
18 class has been restricted or otherwise redefined so as to exclude him; ~~or,~~_

19 (3) As to all members, thirty days after mailing or other delivery or
20 publication of a notice to the class that the action has been dismissed, that the

1 demand for class relief has been stricken pursuant to Article 592, ~~or~~ that the court has
2 denied a motion to certify the class or has vacated a previous order certifying the
3 class, or that the action has been removed to federal court.

4 * * *

5 C. Notwithstanding the provisions of Paragraph A of this Article,
6 prescription shall not be considered suspended on the claim of any member who
7 brings an individual lawsuit prior to the occurrence of any events outlined in
8 Subparagraphs (A)(1) through (3), unless the individual lawsuit is filed in or
9 transferred to the same court where the petition on behalf of the class is pending and
10 the actions are consolidated therewith.

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 734 Original

2016 Regular Session

Abramson

Abstract: Provides for limitations on suspension of liberative prescription.

Present law provides for suspension of liberative prescription in class action suits for all members of the class and provides certain actions that trigger when prescription begins to run again.

Proposed law retains present law and adds removal to federal court as an action that causes prescription to begin to run again. Further prohibits suspension of prescription for members of the class who bring an individual action in certain circumstances unless the action is transferred to the same court where the class action is pending and is consolidated with that case.

(Amends C.C.P. Art. 596(A); Adds C.C.P. Art. 596(C))