

2016 Regular Session

HOUSE BILL NO. 767

BY REPRESENTATIVE GAROFALO

PRESCRIPTION: Extends the prescriptive period in tort actions from one year to 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; 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 Civil Code Article 3492 is hereby repealed in its entirety.

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 767 Original

2016 Regular Session

Garofalo

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.

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