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HOUSE FLOOR AMENDMENTS

2018 Regular Session

Amendments proposed by Representative James to Engrossed Senate Bill No. 502 by Senator Perry

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Civil Code" and before the comma "," change "Art. 3494(1)" to
3 "Articles 3452 and 3494(1) and Code of Civil Procedure Article 927(B)"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "fees;" and before "and" insert "to provide for raising certain
6 exceptions;"

7 AMENDMENT NO. 3

8 On page 1, line 6, after "Civil Code" and before "hereby" change "Art. 3494(1) is" to
9 "Articles 3452 and 3494(1) are"

10 AMENDMENT NO. 4

11 On page 1, between lines 6 and 7, insert the following:

12 "Art. 3452. Necessity for pleading prescription
 13 Prescription must be pleaded. ~~Courts~~ Except for a plea of
 14 prescription under Article 3494 and as authorized by Code of Civil Procedure
 15 Article 927(B)(2), courts may not supply a plea of prescription.
 16 * * *

17 AMENDMENT NO. 5

18 On page 1, after line 12, add the following:

19 "Section 2. Code of Civil Procedure Article 927(B) is hereby
20 amended and reenacted to read as follows:

21 Art. 927. Objections raised by peremptory exception

22 * * *

23 B.(1) ~~The~~ Except as provided by Subparagraph (2) of this Paragraph,
24 the court may not supply the objection of prescription, which shall be
25 specially pleaded. The nonjoinder of a party, peremption, res judicata, the
26 failure to disclose a cause of action or a right or interest in the plaintiff to
27 institute the suit, or discharge in bankruptcy, may be noticed by either the
28 trial or appellate court on its own motion.

29 (2) The court may supply on its own motion the exception of
30 prescription for actions subject to the prescriptive period provided by Civil
31 Code Article 3494."