

Regular Session, 2012

SENATE BILL NO. 236

BY SENATOR MURRAY

WORKERS' COMPENSATION. Provides relative to applicable prescriptive periods when benefit payments are discontinued. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 23:1209(A)(2), relative to workers' compensation; to provide  
3 with respect to prescription; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 23:1209(A)(2) is hereby amended and reenacted to read as follows:

6 §1209. Prescription; timeliness of filing; dismissal for want of prosecution

7 A. \* \* \*

8 (2) Where such payments have been made in any case, the limitation shall  
9 not take effect until the expiration of ~~one year~~ **three years** from the time of making  
10 the last payment, ~~except that in cases of benefits payable pursuant to R.S. 23:1221(3)~~  
11 ~~this limitation shall not take effect until three years from the time of making the last~~  
12 ~~payment~~ of benefits pursuant to R.S. 23:1221(1), (2), (3), or (4).

13 \* \* \*

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

---

DIGEST

Present law provides that the prescriptive period in workers' compensation personal injury

cases where the injury produces temporary total disability, permanent total disability, permanent partial disability, or death, and after benefits have been made to employee, is one year from the last payment.

Present law provides that the prescriptive period in workers' compensation personal injury cases involving supplemental earnings benefits is three years after the last payment has been made to the employee.

Proposed law retains present law but changes the prescriptive period in all cases from one year to three years after the last payment has been made to the employee.

Effective August 1, 2012.

(Amends R.S. 23:1209(A)(2))