

2016 Regular Session

SENATE BILL NO. 83

BY SENATOR GATTI

PRESCRIPTION. Extends period within which to file delictual actions from one to two years. (gov sig)

1 AN ACT

2 To amend and reenact Civil Code Articles 3492 and 3493, relative to liberative prescription;  
3 to provide that delictual actions shall prescribe in two years; and to provide for  
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Articles 3492 and 3493 are hereby amended and reenacted to  
7 read as follows:

8 CHAPTER 4. LIBERATIVE PRESCRIPTION

9 SECTION 1. ~~ONE~~ **TWO** YEAR PRESCRIPTION

10 Art. 3492. Delictual actions

11 Delictual actions are subject to a liberative prescription of ~~one year~~ **two**  
12 **years**. This prescription commences to run from the day injury or damage is  
13 sustained. It does not run against minors or interdicts in actions involving permanent  
14 disability and brought pursuant to the Louisiana Products Liability Act or state law  
15 governing product liability actions in effect at the time of the injury or damage.

16 Art. 3493. Damage to immovable property; commencement and accrual of  
17 prescription

1           When damage is caused to immovable property, the ~~one~~ **two** year  
2           prescription commences to run from the day the owner of the immovable acquired,  
3           or should have acquired, knowledge of the damage.

4                           ~~SECTION 1-A. TWO-YEAR PRESCRIPTION~~

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6           Section 2. The provisions of this Act shall have prospective application only and  
7           shall apply only to a cause of action arising on or after the effective date of this Act.

8           Section 3. This Act shall become effective upon signature by the governor or, if not  
9           signed by the governor, upon expiration of the time for bills to become law without signature  
10          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
11          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
12          effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Ben Huxen.

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DIGEST

SB 83 Original

2016 Regular Session

Gatti

Present law provides that delictual actions are subject to a liberative prescription of one year.  
Proposed law changes the time period from one year to two years.

Proposed law further provides that it shall have prospective application only and shall apply  
only to a cause of action arising on or after its effective date.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C. Arts. 3492 and 3493)