

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 805

2020 Regular Session

Pressly

PRESCRIPTION: Provides for the suspension of prescription

Synopsis of Senate Amendments

1. Changes the limited suspension of all prescriptive and preemptive periods and legal deadlines to March 17, 2020, through June 30, 2020.
2. Provides that the deadline to file a pleading or motion to enforce a right that would have expired during the suspended period is July 1, 2020.
3. Provides that proposed law does not apply to leases or eviction proceedings beyond the time period provided by Proclamation No. JBE 2020-30 and any extensions thereof.

Digest of Bill as Finally Passed by Senate

Present law provides various prescriptive and preemptive periods. C.C. Art. 3472 provides that a period of suspension is not counted towards the accrual of prescription. Prescription commences to run again upon the termination of the period of suspension. Proposed law does not alter present law.

Proposed law ratifies Proclamation JBE 2020-30, which due to the COVID-19 public health emergency created a limited suspension of all prescription and preemptive periods from March 17, 2020, through June 30, 2020.

Proposed law creates a limited suspension of all prescriptive and preemptive periods from March 17, 2020, through June 30, 2020, with certain exceptions.

Proposed law provides that this limited suspension of prescriptive shall apply only to a prescriptive or preemptive period which would have otherwise expired during the period from March 17, 2020, through June 30, 2020.

Proposed law provides that this limited suspension shall terminate on June 29, 2020, and any right, claim, or action which was suspended shall expire on July 1, 2020.

Proposed law creates a limited suspension and extension of all legal deadlines from March 17, 2020, through June 30, 2020.

Proposed law provides that if a legal deadline lapsed during the time period from March 17, 2020, through June 1, 2020, or June 30, 2020, the party may seek an extension by contradictory motion or declaratory judgment, but in no case shall the deadline be extended beyond September 1, 2020.

Proposed law does not apply to legal deadlines related to leases or eviction proceedings as suspended or extended by Proclamation Number JBE 2020-30 and any extensions thereof.

Proposed law provides that proposed law shall preempt and supersede but not repeal any conflicting provisions of law.

Proposed law provides that proposed law is interpretative, curative, and procedural and shall be applied retroactively as well as prospectively.

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

(Adds R.S. 9:5828-5830)