

RÉSUMÉ DIGEST

ACT 162 (HB 805)

2020 Regular Session

Pressly

Existing law provides various prescriptive and peremptive 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.

New law ratifies Proclamation No. JBE 2020-30, which due to the COVID-19 public health emergency created a limited suspension of all prescription and peremptive periods from March 17, 2020, through July 5, 2020.

New law creates a limited suspension of all prescriptive and peremptive periods from March 17, 2020, through July 5, 2020, with certain exceptions.

New law provides that this limited suspension of prescriptive shall apply only to a prescriptive or peremptive period which would have otherwise expired during the period from March 17, 2020, through July 5, 2020.

New law provides that the right to enforce any right, claim, or action which was suspended shall expire on July 6, 2020.

New law creates a limited suspension and extension of all legal deadlines from March 17, 2020, through July 5, 2020.

New law provides that if a legal deadline lapsed during the time period from March 17, 2020, through July 5, 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.

New law does not apply to legal deadlines related to leases or eviction proceedings as suspended or extended by Proclamation No. JBE 2020-30 and any extensions thereof.

New law provides that new law shall preempt and supersede but not repeal any conflicting provisions of law.

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

Effective upon signature of governor (June 9, 2020).

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