The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

DIGEST

SB 334 Original | 2024 Regular Session | Talbot

Present law (C.C. Art. 3492) provides prescriptive period of one year for certain delictual actions. Proposed law increases time from one year to two years.

Proposed law provides that prescription for delictual actions related to personal injury shall be subject to the provisions of present law (C.C.P. Art. 1424.1).

Present law (C.C. Art. 3493) provides prescriptive period of one year when damage is caused to immovable property, and that prescription commences to run on the day the owner knew or should have known of the damage. Proposed law increases time from one year to two years.

Proposed law (C.C.P. Art. 1424.1) provides that any action for personal injury shall be subject to the following conditions and restrictions relative to production and disclosure:

(1) A plaintiff who intends to pursue a personal injury action shall advise the insurer and other potential defendants in writing within 90 days of receiving accident related medical treatment.

(2) There shall be no recovery for any medical treatment not disclosed to the insurer and other potential defendants within 90 days of receipt of the treatment.

(3) Evidence of medical treatment not disclosed to the insurer and other potential defendants within 90 days shall be inadmissible and shall serve to bar recovery.

(4) The insurer and other defendants in a personal injury action shall have a right to conduct discovery prior to suit being filed. Proposed law provides that discovery shall include written discovery, examination under oath of the plaintiff, any potential witnesses and plaintiff treating physicians and other experts.

Effective August 1, 2024.

(Amends C.C. Arts. 3492 and 3493; adds C.C.P. Art. 1424.1)