

Regular Session, 2012

HOUSE BILL NO. 232

BY REPRESENTATIVE SEABAUGH

PRESCRIPTION: Provides for the liberative prescriptive period applicable to open accounts

1 AN ACT

2 To amend and reenact Civil Code Articles 3494 and 3497, relative to prescription; to  
3 increase the prescriptive period applicable to actions on open accounts; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Articles 3494 and 3497 are hereby amended and reenacted  
7 to read as follows:

8 Art. 3494. Actions subject to a three-year prescription

9 The following actions are subject to a liberative prescription of three years:

10 (1) An action for the recovery of compensation for services rendered,  
11 including payment of salaries, wages, commissions, tuition fees, professional fees,  
12 fees and emoluments of public officials, freight, passage, money, lodging, and  
13 board;

14 (2) An action for arrearages of rent and annuities;

15 (3) An action on money lent;

16 (4) ~~An action on an open account; and~~

17 (5) An action to recover underpayments or overpayments of royalties from  
18 the production of minerals, provided that nothing herein applies to any payments,  
19 rent, or royalties derived from state-owned properties.

20 \* \* \*

1            Art. 3497. Actions subject to a ~~five-year~~ five-year prescription

2                    A. The following actions are subject to a liberative prescription of five years:

3                    (1) An action for annulment of a testament;;

4                    (2) An action for the reduction of an excessive donation;;

5                    (3) An action for the rescission of a partition and warranty of portions;and;

6                    (4) An action on an open account.

7                    (5) An action for damages for the harvesting of timber without the consent

8                    of the owner.

9                    B. This prescription is suspended in favor of minors, during minority.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Seabaugh

HB No. 232

**Abstract:** Increases prescriptive period for actions on an open account from three years to five years.

Present law provides for a prescriptive period of three years for an action on an open account.

Proposed law increases present law liberative prescription on actions on open accounts from three years to five years.

(Amends C.C. Arts. 3494 and 3497)