

2024 Regular Session

SENATE BILL NO. 334

BY SENATOR TALBOT

PRESCRIPTION. Provides relative to certain prescriptive periods for delictual actions.  
(8/1/24)

1 AN ACT

2 To amend and reenact Civil Code Arts. 3492 and 3493 and to enact Code of Civil Procedure  
3 Art. 1424.1, relative to prescription; to provide for certain prescriptive periods; to  
4 provide relative to delictual actions; to provide with respect to personal injury,  
5 discovery, medical treatment, and limitation on recovery; to provide terms,  
6 conditions, and procedures; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Arts. 3492 and 3493 are hereby amended and reenacted to read  
9 as follows:

10 Art. 3492. Delictual actions

11 A. 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 B. Prescription for delictual actions related to personal injury shall be  
17 subject to the provisions of Code of Civil Procedure Article 1424.1.

1 Art. 3493. Damage to immovable property; commencement and accrual of  
2 prescription

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

6 Section 2. Code of Civil Procedure Art. 1424.1 is hereby enacted to read as follows:

7 **Art. 1424.1. Personal injury; discovery; medical treatment; limitation on**  
8 **recovery**

9 **Any action for personal injury shall be subject to the following**  
10 **conditions and restrictions relative to production and disclosure:**

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

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

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

20 **(4) The insurer and other defendants in a personal injury action shall**  
21 **have a right to conduct discovery prior to suit being filed. Discovery shall**  
22 **include written discovery, examination under oath of the plaintiff, any potential**  
23 **witnesses and plaintiff treating physicians and other experts.**

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

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SB 334 Original DIGEST 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)