SLS 201ES-6 **ORIGINAL**

2020 First Extraordinary Session

SENATE BILL NO. 3

17

BY SENATOR CONNICK

CIVIL PROCEDURE. Provides for the Litigation Reduction Act. (1/1/21)

1	AN ACT
2	To amend and reenact Civil Code Art. 3493.10 and Code of Civil Procedure Art. 1732(1),
3	and to repeal Civil Code Art. 3492, relative to civil actions; to provide relative to
4	prescriptive periods and jury trials; to extend the general prescriptive period for
5	delictual actions; to provide with respect to jury trials; to provide certain terms,
6	procedures, conditions, and requirements; to provide for an effective date; and to
7	provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. Civil Code Article 3493.10 is hereby amended and reenacted to read as
10	follows:
11	Art. 3493.10. Delictual actions; two-year prescription; criminal act
12	Delictual actions which arise due to damages sustained as a result of an act
13	defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised
14	Statutes of 1950, except as provided in Article 3496.2, are subject to a liberative
15	prescription of two years. This prescription commences to run from the day injury
16	or damage is sustained. It does not run against minors or interdicts in actions
17	involving permanent disability and brought pursuant to the Louisiana Products

1	Liability Act of state law governing product hability actions in effect at the time
2	of the injury or damage.
3	Section 2. Code of Civil Procedure Article 1732(1) is hereby amended and reenacted
4	to read as follows:
5	Art. 1732. Limitation upon jury trials
6	A trial by jury shall not be available in:
7	(1) A suit where the amount of no individual petitioner's cause of action
8	exceeds fifty twenty thousand dollars exclusive of interest and costs, except as
9	follows:
10	(a) If an individual petitioner stipulates or otherwise judicially admits sixty
11	days or more prior to trial that the amount of the individual petitioner's cause of
12	action does not exceed fifty twenty thousand dollars exclusive of interest and costs,
13	a defendant shall not be entitled to a trial by jury.
14	(b) If an individual petitioner stipulates or otherwise judicially admits for the
15	first time less than sixty days prior to trial that the amount of the individual
16	petitioner's cause of action does not exceed fifty twenty thousand dollars exclusive
17	of interest and costs, any other party may retain the right to a trial by jury if that
18	party is entitled to a trial by jury pursuant to this Article and has otherwise complied
19	with the procedural requirements for obtaining a trial by jury.
20	(c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,
21	as a result of a compromise or dismissal of one or more claims or parties which
22	occurs less than sixty days prior to trial, an individual petitioner stipulates or
23	otherwise judicially admits that the amount of the individual petitioner's cause of
24	action does not exceed fifty twenty thousand dollars exclusive of interest and costs,
25	a defendant shall not be entitled to a trial by jury.
26	* * *
27	Section 3. Civil Code Article 3492 is hereby repealed in its entirety.
28	Section 4. This Act shall be known and may be cited as the Litigation Reduction Act.
29	Section 5. This Act shall become effective on January 1, 2021.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 3 Original

2020 First Extraordinary Session

Connick

<u>Present law</u> provides a general one-year liberative prescriptive period for delictual actions (C.C. Art. 3492), and a two-year period for delictual actions for damages arising from an act defined as a crime of violence, except for any act of sexual assault which is subject to a liberative prescription of three years (C.C. Art. 3493.10). Provides that prescription commences to run from the day injury or damage is sustained.

<u>Proposed law</u> increases the general one-year prescriptive period for delictual actions to a two-year prescriptive period and retains the liberative prescription of three years for any act of sexual assault. Also retains that prescription does not run against minors or interdicts in actions involving permanent disability and brought pursuant to state product liability laws. Repeals general one-year liberative prescriptive period for delictual actions.

<u>Present law</u> (C.C.P. Art. 1732) authorizes a jury trial when the amount in controversy exceeds \$50,000.

Proposed law reduces the threshold for a jury trial to \$20,000.

Effective January 1, 2021.

(Amends C.C. Art. 3493.10 and C.C.P. Art. 1732(1); repeals C.C. Art. 3492)