

ACT No. 162

2020 Regular Session

HOUSE BILL NO. 805

BY REPRESENTATIVE PRESSLY

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AN ACT

To enact Part VI of Chapter 1 of Code Title XXIV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:5828 through 5830, relative to the effect of obligations during certain emergencies and disasters; to provide relative to suspension of prescription, preemptive, and abandonment periods and other legal deadlines; to provide relative to the extension of prescription and preemptive periods and other legal deadlines; to provide relative to the ratification of Proclamation Number JBE 2020-30; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VI of Chapter 1 of Code Title XXIV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:5828 through 5830, is hereby enacted to read as follows:

PART VI. SUSPENSION OR EXTENSION OF PRESCRIPTION AND PEREMPTION DURING 2020 COVID-19 PUBLIC HEALTH EMERGENCY

§5828. Purpose; ratification

A. The legislature finds that the COVID-19 public health emergency created a statewide emergency disrupting and forcing the closure of certain courts and public offices and further resulting in the displacement of courts, offices, clients, and counsel. This Part is enacted for the benefit and protection of the state as a whole and its citizens, and to prevent injustice, inequity, and undue hardship to persons who were prevented by the COVID-19 public health emergency from timely access to courts and offices in the exercise of their legal rights, including the filing of

1 documents and pleadings as authorized or required by law. Therefore, this Part shall
2 be liberally construed to effect its purposes.

3 B. The action of the governor of this state in issuing Proclamation Number
4 JBE 2020-30 and any extensions thereof are hereby approved, ratified, and
5 confirmed subject to the provisions of this Part.

6 §5829. Suspension and extension of prescription and peremption: exceptions

7 A. All prescriptions, including liberative, acquisitive, and the prescription
8 of nonuse, abandonment periods, and all preemptive periods shall be subject to a
9 limited suspension or extension during the time period of March 17, 2020, through
10 July 5, 2020; however, the suspension or extension of these periods shall be limited
11 and shall apply only if these periods would have otherwise expired during the time
12 period of March 17, 2020, through July 5, 2020. The right to file a pleading or
13 motion to enforce any right, claim, or action which would have expired during the
14 time period of March 17, 2020, through July 5, 2020, shall expire on July 6, 2020.

15 B. The provisions of Subsection A of this Section shall not apply to any
16 matter concerning the prescription of nonuse applicable to mineral servitudes,
17 mineral royalty interests, and executive rights which shall be governed by the
18 Louisiana Mineral Code and are not subject to the suspension provisions in this
19 Section.

20 §5830. Suspension of legal deadlines; extension of legal deadlines; contradictory
21 hearing

22 A. All deadlines in legal proceedings that were suspended by Proclamation
23 Number JBE 2020-30 and any extensions thereof shall be subject to a limited
24 suspension or extension until July 6, 2020; however, the suspension or extension of
25 these deadlines shall be limited and shall apply only if these deadlines would have
26 otherwise expired during the time period of March 17, 2020, through July 5, 2020.
27 The right to file a pleading or motion to enforce any deadline in legal proceedings
28 which would have expired during the time period of March 17, 2020, through July
29 5, 2020, shall expire on July 6, 2020.

1 B. Notwithstanding the provisions of Subsection A of this Section and to the
2 extent that deadlines in legal proceedings were not suspended by Proclamation
3 Number JBE 2020-30 and any extensions thereof, if a deadline in a legal proceeding
4 lapsed during the time period of March 17, 2020, through July 5, 2020, a party shall
5 have the right to seek an extension or suspension of that deadline by contradictory
6 motion or declaratory judgment. The party seeking the extension shall bear the
7 burden of proving that either the party or his attorney was adversely affected by the
8 COVID-19 public health emergency and, but for the adverse effects of the COVID-
9 19 public health emergency, the legal deadline would have been timely met. For
10 good cause shown, the court shall extend the deadline in the legal proceeding, but in
11 no instance shall the extension be later than September 1, 2020.

12 C. Notwithstanding Subsections A and B of this Section, legal deadlines
13 related to matters set forth in Louisiana Civil Code Book III, Title IX, Chapters 1
14 through 5 and Louisiana Code of Civil Procedure Book VII, Title XI, Chapters 1 and
15 2 shall not be suspended or extended beyond the time period provided for by
16 Proclamation Number JBE 2020-30 and any extensions thereof.

17 Section 2. The provisions of this Act shall preempt and supersede but not repeal any
18 provision of the Civil Code or any other provision of law to the extent that such provision
19 conflicts with the provisions of this Act.

20 Section 3. This Act is declared to be interpretative, curative, and procedural and
21 therefore is to be applied retroactively as well as prospectively.

22 Section 4. The Louisiana State Law Institute shall include as notes to this Act
23 Proclamation Number JBE 2020-30 and any extensions thereof.

24 Section 5. The provisions of R.S. 9:5829 and 5830 as enacted by this Act shall
25 specifically apply in all administrative hearings and proceedings.

26 Section 6. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____