



# Louisiana Prescription

quick reference card

## COMMERCIAL TRANSACTIONS

Actions	Authority	Time Limitation
<b>Accepted draft, other than certified check,</b> Action to enforce	LSA R.S. 10:3-118(f)	5 years after due date in draft or acceptance if obligation of acceptor is payable at definite time; or within 5 years after date of acceptance if obligation of acceptor is payable on demand
<b>Certificate of deposit,</b> Action to enforce <ul style="list-style-type: none"> <li>• Unless instrument states a due date and maker is not required to pay before that date, the 5 year period begins when demand for payment is in effect and the due date has passed</li> </ul>	LSA R.S. 10:3-118(e)	5 years after demand for payment is made to maker
<b>Certified, teller's, cashier's and traveler's checks,</b> Action to enforce	LSA R.S. 10:3-118(d)	3 years after demand is made to acceptor or issuer
<b>Commercial transactions under bank deposits &amp; collections,</b> Actions	LSA R.S. 10:4-111	3 years after cause of action accrues
<b>Conversion of instrument,</b> Action for	LSA R.S. 10:3-420(f)	1 year
<b>Credit Repair Services Organizations Act,</b> Violation	LSA R.S. 9:3573.12	4 years after execution of contract for services to which the action relates
<b>Fiduciary obligations of bank and financial institutions,</b> Breach of	LSA R.S. 6:1124	1 year after first occurrence
<b>Letter of credit,</b> Action to enforce <ul style="list-style-type: none"> <li>• Action to enforce an issuer's right of reimbursement under RS 10:5-108: 5 years of date of its payment of funds</li> <li>• Cause of action accrues when breach occurs, regardless of lack of knowledge</li> </ul>	LSA R.S. 10:5-115	The later of: 1 year after expiration of relevant letter, or 1 year after cause of action accrues
<b>Louisiana Consumer Credit Law,</b> Violation of	LSA R.S. 9:3552(E)	60 days of final payment of consumer credit contract or 1 year for revolving loan or charge account
<b>Louisiana Lemon Law,</b> Action involving	LSA R.S. 51:1942	The earlier of: Consumer's notice to manufacturer or dealer during expiration of warranty or during period of 1 year following original delivery
<b>Money had and received, breach of warranty, or obligation, right or duty arising under this chapter and not governed by this section,</b> Action to enforce	LSA R.S. 10:3-118(g)	3 years after cause of action accrues
<b>Negotiable and nonnegotiable instrument,</b> Action on	LSA C.C. 3498	5 years from day payment is exigible
<b>Note payable at definite time,</b> Action to enforce	LSA R.S. 10:3-118(a)	5 years after due date or date stated in note, or if due date is accelerated, within 5 years after said date
<b>Note payable on demand,</b> Action to enforce	LSA R.S. 10:3-118(b)	5 years after demand made to maker; Action barred if no demand made to maker and neither principal nor interest has been paid during 5 year period
<b>Securities,</b> Civil liability from sale of	LSA R.S. 51:714(C)	2 years from date of contract for sale, or date of sale if no contract. See statute for exceptions
<b>UCC,</b> Secured transactions <ul style="list-style-type: none"> <li>• Effectiveness of filed initial financing statement, via 9-515(a): 5 years after date of filing</li> <li>• Effectiveness of initial financing statement filed in connection with a public-finance transaction, via 9-515(b): 30 years after date of filing</li> <li>• Effectiveness of filing continuation statement via 9-515(e): Continues the effectiveness of initial financing statement for 5 years</li> </ul>	LSA R.S. 10:9-101 et. seq	See statute

## COMMERCIAL TRANSACTIONS CONTINUED

Actions	Authority	Time Limitation
<b>Unaccepted draft</b> , Action to enforce	LSA R.S. 10:3-118(c)	The earlier of: 3 years after dishonor or 5 years after date of draft
<b>Unfair Trade Practices and Consumer Protection Law</b> , Violation of	LSA R.S. 51-1409(E)	1 year from time of transaction or act that gave rise to right of action
<b>Usury</b> , Action to recover	LSA R.S. 9:3500(C)(2)	2 years

## CONTRACTS/AGREEMENTS

Actions	Authority	Time Limitation
<b>Annulment of act</b> , Revocatory action 3 year period does not apply in cases of fraud	LSA C.C. 2041	1 year from time obligee learned or should have learned of act or the result of failure to act, but no more than 3 years
<b>Annulment of contract</b> , Action for <ul style="list-style-type: none"> <li>• Absolutely null contract under LSA CC 2032: Imprescriptible</li> <li>• Relatively null contract under LSA CC 2032: 5 years</li> </ul>	LSA C.C. 2032	See statute
<b>Architects and contractors</b> , Action against for defects of construction, renovation, repair	LSA C.C. 3500	10 years, but see R.S. 9:5607 and 9:2772 for 5 year preemptive periods. See also <b>Engineers, surveyors, architects, designers, real estate developers</b> , Action of damages, under TORTS, and <b>Surveying, design, supervision or contraction of immovables or improvements thereon</b> , Action involving deficiencies under TORTS
<b>Arrears of rent and annuities</b> , Action for	LSA C.C. 3494(2)	3 years
<b>Educational institution or fund</b> , Debts due <ul style="list-style-type: none"> <li>• Debts owed to institutions of higher education other than student loans, stipends or benefits: 10 years</li> </ul>	LSA R.S. 9:5701	30 years
<b>Health and accident insurance</b> , Suit on proof of loss	LSA R.S. 22:975	See statute
<b>Money lent</b> , Action on	LSA C.C. 3494(3)	3 years
<b>Motor vehicles</b> , Uninsured motorist claims (LSA RS 9:5629) 2 years	LSA R.S. 9:5629	2 years from date of accident
<b>Open account</b> , Action on	LSA C.C. 3494(4)	3 years
<b>Redhibition</b> , Action for <ul style="list-style-type: none"> <li>• When seller did not know of defect: The earlier of 4 years from delivery or 1 year from discovery</li> <li>• When defect is residential or commercial immovable property and seller did not know of defect: 1 year from delivery</li> <li>• When defect is residential or commercial immovable property and seller knew of defect: 1 year from discovery</li> </ul>	LSA C.C. 2534	See statute

## COURTS/JUDGMENTS

Actions	Authority	Time Limitation
<b>Abandonment of action</b> , Prescription	LSA CCP 561	3 years
<b>Judgment in favor or state</b> , Prescription	LSA R.S. 9:5685(A)	10 years from signing/rendition of judgment
<b>Revival of money judgments</b> , Prescription	LSA C.C. 3501	10 years

## FAMILY/ESTATE

Actions	Authority	Time Limitation
<b>Abuse of minor</b> , Action for <ul style="list-style-type: none"> <li>• Abuse under C.C. 3496.1: 3 years from time minor reaches majority</li> <li>• Physical or sexual abuse resulting in permanent impairment or injury under 9:2800.9: 10 years</li> <li>• Rx suspended until minor reaches majority.</li> <li>• Subject to any exception of peremption provided by law.</li> </ul>	LSA C.C. 3496.1	See statutes
<b>Accounting between spouses</b> , Time limit to comply	LSA C.C. 2369	3 years from termination of community property regime
<b>Adoption</b> , Action annul <ul style="list-style-type: none"> <li>• For third party: 6 months from discovery of fraud, but no later than 1 year from final decree</li> <li>• For adoptive parent: 6 months from discovery of fraud, but no later than 2 years from final decree</li> </ul>	LSA Ch.C. 1263	See statute
<b>Annulment of testament</b> , Action for Suspended during minority	LSA C.C. 3497	5 years
<b>Child support arrearages</b> , Action to make executory	LSA C.C. 3501.1	10 years
<b>Contributions by one spouse to education of other</b> , Action for	LSA C.C. 124	3 years from judgment of divorce or nullity of marriage
<b>Disavowal of paternity</b> , Action for (LSA CC 189) 1 year <ul style="list-style-type: none"> <li>• If husband lived separate and apart from mother continuously during the 300 days immediately preceding the birth, Rx does not run until husband is notified in writing that a party in interest has asserted that husband is the father</li> </ul>	LSA C.C. 189	The <i>later</i> of 1 year from birth of child or when husband learns or should have learned he is not the father of the child
<b>Divorce action abandoned</b>	LSA C.C.P. 3954	If not filed within 2 years from service of original petition or written waiver of service
<b>Donations</b> , reduction of excessive <ul style="list-style-type: none"> <li>• Suspended during minority</li> </ul>	LSA C.C. 3497	5 years
<b>Estate tax</b> , Recovery of	LSA R.S. 9:2436	Reasonable time after 1 year from payment
<b>Inheritance</b> , Action to recognize right	LSA C.C. 3502	30 years from opening of succession
<b>Legal representative</b> , Action for defect in private sales/mortgages	LSA R.S. 9:5632	2 years
<b>Partition of effects of succession</b> , Action to oppose	LSA C.C. 1305	30 years if possession is separate and has continued without interruption
<b>Paternity</b> , Action to prove <ul style="list-style-type: none"> <li>• Applies to succession matters only; no limitation otherwise</li> </ul>	LSA C.C. 197	1 year from death of alleged father
<b>Spousal support arrearages</b> , Action to make executory	LSA C.C. 3497.1	5 years for spousal support or installment payments awarded for contributions made by one spouse to the education or training of other spouse
<b>Succession</b> , new creditors' action against paid creditors, Prescription	LSA C.C. 1188	3 years
<b>Succession representative</b> , Action against	LSA R.S. 9:5621	2 years from judgment homologating final account
<b>Testaments</b> , Action to probate	LSA R.S. 9:5643	5 years after opening of succession
<b>Trust</b> , Beneficiary's action against <ul style="list-style-type: none"> <li>• Minors have 2 years after reaching majority</li> </ul>	LSA R.S. 9:2234	2 years of date trustee rendered an accounting, but no more than 3 years

## FAMILY/ESTATE CONTINUED

Actions	Authority	Time Limitation
<b>Unrecognized successor against third parties for interest in immovable</b> , Action by	LSA R.S. 9:5630	2 years from final judgment of possession. See statute
<b>Usufruct</b> , Action to terminate for nonuse	LSA C.C. 621	10 years

## GOVERNMENT/STATE

Actions	Authority	Time Limitation
<b>Appropriation by parish/state</b> , Action for compensation	LSA R.S. 13:5111	3 years from date of taking of property
<b>Claims against state</b> , Action for	LSA R.S. 39:339	2 years after claim accrues
<b>Elections</b> , Action to contest	LSA R.S. 18:1405	Varies; see statute
<b>Elections</b> , Campaign finance disclosure	LSA R.S. 18:1511.11	3 years from date of violation, or 1 year if violation is contained in report
<b>Ethics violations of public employees</b> , Action to enforce	LSA R.S. 42:1163	The earlier of: 2 years following discovery of occurrence, or 4 years after occurrence
<b>Expropriation</b> , Exercising right to • See also RS 19:2.2 as amended by Act 702 [2012] requiring 30 days' notice to owner of detailed info prior to expropriating authority filing petition	LSA R.S. 19:2.1	2 years from date property actually occupied and used for purpose of expropriation
<b>Judicial sales</b> , informalities	LSA R.S. 9:5622	2 years from sale; 5 years for minors or interdicted from date of public adjudication or private sale
<b>Levees or levee drainage</b> , Action for lands and improvements destroyed for	LSA R.S. 9:5626	2 years from actual occupancy and use or destruction for construction of levee or levee drainage works
<b>Liens and privileges in favor of State</b> , Prescription	LSA R.S. 9:5685(B)	10 years or less. See statute
<b>Misfeasance or nonfeasance by sheriff</b> , Recovery of damages	LSA R.S. 9:5623; 13:5548	2 years after date of act
<b>Public contracts</b> , Action against contractor, surety on contract, bond	LSA R.S. 38:2189	5 years from substantial completion, or acceptance of such work, <i>whichever occurs first</i> , or of notice of default of the contractor. See statute
<b>Public places, encroachments</b> , Action to remove building	LSA R.S. 9:5627	The later of: 2 years from date of commencement of building, or 6 months from effective date of this statute
<b>Public way</b> , Damages from grading	LSA R.S. 9:5603	1 year from time damage was sustained
<b>Sheriff's deeds</b> , Action to set aside sale of property	LSA R.S. 9:5642	5 years from date of deed. See statute
<b>Zoning, building restrictions</b> , Violation of	LSA R.S. 9:5625	5 years from first act constituting commission of the violation. See statute

## LABOR, LIENS and HUMAN RIGHTS

Actions	Authority	Time Limitation
<b>Claim or privilege under Private Works Act</b> , Enforcement of	LSA R.S. 9:4823(A)(2)	1 year after filing statement of claim or privilege
<b>Compensation and salaries</b> , Recovery of	LSA C.C. 3494(1)	3 years
<b>Discrimination in employment</b> , Action alleging	LSA R.S. 23:303	30 days to file notice of intention to sue; 1 year to file suit, with suspension of up to 6 months of prescription during administrative review
<b>Louisiana Equal Housing Opportunity Act</b> , Private action for violation	LSA R.S. 51:2613	2 years after alleged discriminatory housing practice occurred, or 1 year from breach of conciliation agreement. See statute for procedures
<b>Persons with disability</b> , Unlawful discrimination of	LSA R.S. 46:2256(A)	1 year from date of alleged discriminatory act
<b>Special education</b> , Request for due process hearing	LSA R.S. 17:1946	1 year from date parent or public agency knew or should have known about alleged action

## LABOR, LIENS and HUMAN RIGHTS CONTINUED

Actions	Authority	Time Limitation
<b>Subcontractors, materialmen and laborers on public works</b> , Action on bond	LSA R.S. 38:2247	1 year, plus notice. See statute
<b>Worker's Compensation</b> , Claim for <ul style="list-style-type: none"> <li>• Compensation benefits from Injury or death: 1 year after injury or death via agreement, or 1 year after formal complaint has been filed, or 1 year after last payment</li> <li>• After initiation of petition for compensation: 5 years from date petition is initiated</li> <li>• Supplemental earnings benefit: 3 years after last payment</li> <li>• Delayed injury: 1 year after injury develops but no more than 3 years from date of accident</li> <li>• Medical benefits: 1 year after injury or death via agreement, or 1 year after formal complaint has been filed, or 3 years after last payment</li> <li>• Occupational disability: 1 year (see 23:1031.1(E))</li> </ul>	LSA R.S. 23:1209; 23:1031.1	See statutes

## MISCELLANEOUS

Actions	Authority	Time Limitation
<b>Asbestos abatement</b> , Action to recover	LSA R.S. 9:5644	5 years after the date recovering party has completed the abatement work or discovered the identity of the manufacturer of the materials which require abatement, <i>whichever is later</i>
<b>Building restriction</b> , Violation of	LSA C.C. 781	2 years from start of noticeable violation
<b>Carriers</b> , Damage to shipments and recovery	LSA R.S. 45:1100	2 years from the date of shipment
<b>Charitable or educational institution or fund</b> , Debts due	LSA R.S. 9:5701	10 years for debts other than student loans, stipends, or benefits due to public institutions of higher education; 30 years for all others
<b>Dissolved LLC</b> , Claim against	LSA R.S. 12:1338(D)	3 years. See statute
<b>Foreign corporation</b> , Action to set aside public sale of land made under attachment proceedings	LSA R.S. 9:5641	5 years from recordation of sale
<b>Fugitive from justice</b> , Prescription against	LSA R.S. 9:5802	Prescription does not run until fugitive returns
<b>Invalid power of attorney</b> , Action to set aside document or instrument	LSA R.S. 9:5647	5 years from recordation of document or instrument

## PROPERTY

Actions	Authority	Time Limitation
<b>Acquisitive prescription</b> <ul style="list-style-type: none"> <li>• Immovables via CC 3473-3486: 10 years (runs against absent persons and incompetents, including minors and interdicts); 30 years without need of just title or possession in good faith</li> <li>• Immovables – blighted property via RS 9:5633: 3 years without need of just title or possession in good faith. See statute</li> <li>• Movable via CC 3489: 3 years; 10 years without need of just title or possession in good faith</li> </ul>	LSA C.C. 3473 – 3489; R.S. 9:5633; C.C. 3490-91	See statutes
<b>Contract to sell or transfer immovables</b> , Action for breach	LSA R.S. 9:5645	5 years

## PROPERTY CONTINUED

Actions	Authority	Time Limitation
<b>Crops</b> , Action for damages for injury, destruction, loss of profit, non-delivery, non-acceptance	LSA R.S. 9:5601	1 year from day act occurred, or cessation if a continuing act
<b>Harvesting of timber without the consent of the owner</b> , Action for damages • Suspended during minority	LSA C.C. 3497	5 years
<b>Home Warranty Act</b> , Action for violation of (LSA RS 9:3144; 9:3145 required notice) • Defect in home due to noncompliance with building standards: 1 year • Plumbing/electrical/heating/cooling/ventilating defects: 2 years • Major structural defects: 5 years • Enforcement under LSA RS 9:3146: peremptive period of 30 days from time period in LSA RS 9:3144	LSA R.S. 9:3144 - 9:3146	See statutes
<b>Land patent</b> , Action to annul	LSA R.S. 9:5661	6 years from issuance of patent
<b>Legal entity, unincorporated association</b> , Action to set aside sale, transfer, lease, mortgage of immovable property	LSA R.S. 9:5646	5 years from recordation. See statute
<b>Mineral production royalties</b> , Action to recover • Not state owned properties	LSA C.C. 3494(5)	3 years
<b>Private property damaged for public purposes</b> , Action for damages	LSA R.S. 9:5624	2 years after completion and acceptance of public works
<b>Redemption</b> , Right of • Immovables: 10 years • Movables: 5 years • Property sold at tax sales via LSA Const. Art 7, Sec 25 (B): 3 years after recordation	LSA C.C. 2568; LSA Const. Art 7, Sec 25 (B)	See statutes
<b>Rescission of partition and warranty of portions</b> , Action for • Suspended during minority	LSA C.C. 3497	5 years
<b>Uniform Unclaimed Property Act</b> , Action under	LSA R.S. 9:171(B)	10 years after holder identified property or gave notice of dispute

## TORTS

Actions	Authority	Time Limitation
<b>Accountant professional liability</b> , Action for damages	LSA R.S. 9:5604	1 year from act/omission or reasonable discovery; 3 year peremptive period
<b>Attorneys</b> , Action against • Malpractice actions via R.S. 9:5605: 1 year from act or reasonable discovery; 3 year peremptive period, except for fraud • Misappropriation of client funds via R.S. 9:5605.1: Prescriptive period of R.S. 9:5605 is Interrupted by filing of disciplinary complaint • Disciplinary complaints of negligence via LA Supreme Court Rule XIX Sec. 31: 10 years • Return of papers via C.C. 3496: 3 years	LSA R.S. 9:5605; C.C. 3496; R.S. 9:5605.1; LA S.C. Rule XIX, Sec. 31	See statutes
<b>Crime of violence</b> , Civil action for damages • Does not include actions involving sexual assault, via C.C. 3496.2	LSA C.C. 3493.10	2 years from day injury or damage sustained

## TORTS CONTINUED

Actions	Authority	Time Limitation
<b>Engineers, surveyors, architects, designers, real estate developer,</b> Action for damages <ul style="list-style-type: none"> <li>The provisions of this section shall take precedence over and supersede the provisions of R.S. 9:2772 and Civil Code 2762 and 3545. See also R.S. 9:2772, C.C. 3500.</li> </ul>	LSA R.S. 9:5607	5 year preemptive period, except in case of fraud. See also <b>Surveying, design, supervision or contraction of immovables or improvements thereon,</b> Action involving deficiencies under TORTS
<b>Home inspectors,</b> Action for damages	LSA R.S. 9:5608	1 year from act/omission. Does not apply in case of fraud
<b>Insurance agents, brokers, salespersons,</b> Action for damages	LSA R.S. 9:5606	1 year from act/omission or reasonable discovery; 3 year preemptive period, except in case of fraud
<b>Medical malpractice by licensed physician, chiropractor, nurse, licensed midwife practitioner, dentist, psychologist, optometrist, hospital or nursing home,</b> Action for damages <ul style="list-style-type: none"> <li>See R.S. 40:1231.8 for medical review panel procedure</li> </ul>	LSA R.S. 9:5628	1 year from act/omission or reasonable discovery; 3 year preemptive period – applies to minors and infirm
<b>Negligence,</b> Action for damages	LSA C.C. 3492	1 year from day injury or damage sustained. Does not run against minors or interdicts in products liability actions involving permanent disability
<b>Notaries public,</b> Action for damages <ul style="list-style-type: none"> <li>Action against notaries who are also attorneys is governed by R.S. 9:5605</li> </ul>	LSA R.S. 35:200	1 year from act/omission or reasonable discovery; 3 year preemptive period – applies to minors and infirm, but not in case of fraud
<b>Nursing home, healthcare facility,</b> Action for injunctive relief	LSA R.S. 40:2010.9	1 year from act/omission or reasonable discovery; 3 year preemptive period – applies to minors and infirm
<b>Personal action,</b> Liberative prescription	LSA C.C. 3499	10 years
<b>Surveying, design, supervision or contraction of immovables or improvements thereon, whether based in tort or contract</b> Action involving deficiencies in <ul style="list-style-type: none"> <li>Includes causes of action for any deficiency in the performing or furnishing of land surveying services; damage to property, movable or immovable, arising out of any such deficiency; injury to the person or for wrongful death arising out of any such deficiency; brought against a person for the action or failure to act of his employees. See also R.S. 9:5607, C.C. 3500</li> </ul>	LSA R.S. 9:2772	5 year preemptive period, except in case of fraud. See also <b>Engineers, surveyors, architects, designers, real estate developers,</b> Action of damages under TORTS. See statute



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