



Louisiana Prescription

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COMMERCIAL TRANSACTIONS

Actions	Authority	Time Limitation
Accepted draft, other than certified check, Action to	LSA R.S. 10:3–118(f)	5 years after due date or dates stated 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
Acceptor of certified check, or issuer of teller's, cashier's, or traveler's check, Action to enforce	LSA R.S. 10:3–118(d)	3 years after demand is made to acceptor or issuer
Certificate of deposit, Action to enforce <ul style="list-style-type: none"> 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 	LSA R.S. 10:3–118(e)	5 years after demand for payment is made to maker
Commercial transactions under bank deposits & collections, Actions	LSA R.S. 10:4–111	3 years after cause of action accrues
Conversion of instrument or replacement under 10:3-420(e), Action for	LSA R.S. 10:3–420(f)	1 year
Fiduciary obligations of bank and financial institutions, Breach of	LSA R.S. 6:1124	1 year after first occurrence
Letter of credit, Action to enforce <ul style="list-style-type: none"> Action to enforce an issuer's right of reimbursement under 10:5-108: 5 years of date of its payment of funds Cause of action accrues when breach occurs, regardless of lack of knowledge 	LSA R.S. 10:5–115	The <i>later</i> of: 1 year after expiration of relevant letter, or 1 year after cause of action accrues
Louisiana Consumer Credit Law, 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
Louisiana Lemon Law, Action involving	LSA R.S. 51:1942	The <i>earlier</i> of: Consumer's notice to manufacturer or dealer before expiration of warranty or during period of 1 year following original delivery
Money had and received, breach of warranty, or enforce an obligation, duty, or right arising under this Chapter and not otherwise governed herein, Action to enforce	LSA R.S. 10:3–118(g)	3 years after cause of action accrues
Negotiable and nonnegotiable instrument/promissory note, Action on	LSA C.C. 3498	5 years from day payment is exigible
Note payable at definite time, 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
Note payable on demand, 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 for a continuous 5 year period
Securities, 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
UCC, Secured transactions <ul style="list-style-type: none"> Effectiveness of filed initial financing statement, via 10:9-515(a): 5 years after date of filing Effectiveness of initial financing statement filed in connection with a public-finance transaction, via 10:9-515(b): 30 years after date of filing Effectiveness of filing continuation statement via 10:9-515(e): Continues the effectiveness of initial financing statement for 5 years 	LSA R.S. 10:9–515	See statute
Unaccepted draft, Action to enforce	LSA R.S. 10:3–118(c)	The <i>earlier</i> of: 3 years after dishonor or 5 years after date of draft
Unfair Trade Practices and Consumer Protection Law, Violation of	LSA R.S. 51:1409(E)	1 year from time of transaction or act that gave rise to right of action
Usury, Action to recover	LSA R.S. 9:3500(C)(2)	2 years from time of payment. See statute for exceptions

CONTRACTS/AGREEMENTS

Actions	Authority	Time Limitation
Annulment of act , 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
Annulment of contract , Action for • Absolutely null contract under LSA CC 2032: Imprescriptible • Relatively null contract under LSA CC 2032: 5 years from time the ground for nullity ceased, i.e. incapacity or duress, or was discovered, i.e. fraud	LSA C.C. 2032	See statute
Architects and contractors , 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 peremptive periods. See also Engineers, surveyors, architects, designers, real estate developers , Action of damages, under TORTS, and Surveying, design, supervision or contraction of immovables or improvements thereon , Action involving deficiencies under TORTS
Arrears of rent and annuities , Action for	LSA C.C. 3494(2)	3 years
Credit Repair Services Organizations Act , Violation	LSA R.S. 9:3573.12	4 years after execution of contract for services to which the action relates
Educational institution or fund , Written debt owed to • Debt evidenced in writing owed to institutions of higher education other than student loans, stipends or benefits: 10 years	LSA R.S. 9:5701	30 years
Health and accident insurance , Suit on proof of loss	LSA R.S. 22:975	See statute
Money lent , Action on	LSA C.C. 3494(3)	3 years
Motor vehicles , Uninsured motorist claims	LSA R.S. 9:5629	2 years from date of accident
Open account , Action on	LSA C.C. 3494(4)	3 years
Redhibition , Action for • When seller did not know of defect: The <i>earlier</i> of 4 years from delivery or 1 year from discovery • When defect is residential or commercial immovable property and seller did not know of defect: 1 year from delivery • When defect is residential or commercial immovable property and seller knew of defect: 1 year from discovery	LSA C.C. 2534	Prescription interrupted when seller accepts thing for repair, and commences again from day seller tenders it back to buyer or notifies buyer of refusal or inability to make required repairs

COURT/JUDGMENTS

Actions	Authority	Time Limitation
Abandonment of action , Prescription	LSA CCP 561	3 years, with some exceptions
Foreign money judgment , Prescription	LSA C.C. 3501	10 years from rendition, but not enforceable in this state if prescribed, barred by statute of limitations, or is otherwise unenforceable under foreign laws
Judgment in favor of state , Prescription	LSA R.S. 9:5685(A)	10 years from signing/rendition of judgment
Revival of money judgments , Prescription	LSA C.C. 3501	10 years from signing of judgment if no appeal taken. If appeal taken, 10 years from time judgment becomes final

FAMILY/ESTATE		
Actions	Authority	Time Limitation
Abuse of minor , Action for <ul style="list-style-type: none"> Abuse under C.C. 3496.1: 3 years from time minor reaches majority Physical or sexual abuse resulting in permanent impairment or injury under LSA-R.S. 9:2800.9: 10 years from time minor reaches majority Rx suspended until minor reaches majority Subject to any exception of peremption provided by law. 	LSA C.C. 3496.1	See statutes
Accounting between spouses , Time limit to	LSA C.C. 2369	3 years from termination of community property regime
Adoption , Action to annul final decree of <ul style="list-style-type: none"> For third party: 6 months from discovery of fraud, but no later than 1 year from final decree For adoptive parent: 6 months from discovery of fraud, but no later than 2 years from final decree 	LSA C.C. 1263	See statute
Annulment of testament , Action for <ul style="list-style-type: none"> Suspended during minority 	LSA C.C. 3497	5 years
Child support arrearages , Action to make executory	LSA C.C. 3501.1	10 years
Contributions by one spouse to education of other , Action for	LSA C.C. 124	3 years from judgment of divorce or nullity of marriage
Disavowal of paternity , Action for <ul style="list-style-type: none"> 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 	LSA C.C. 189	The <i>later</i> of 1 year from birth of child <i>or</i> when husband learns or should have learned he is not the father of the child
Donations , reduction of excessive <ul style="list-style-type: none"> Suspended during minority 	LSA C.C. 3497	5 years
Estate tax , Recovery of	LSA R.S. 9:2436	For recovery of original amount or a deficiency, it must be filed within a reasonable time after 1 year from payment
Inheritance , Action to recognize right	LSA C.C. 3502	30 years from opening of succession
Legal representative of a succession, minor, or interdict , Action for defect in private sales/ mortgages	LSA R.S. 9:5632	2 years after making of alienation, encumbrance, or lease
Partition of effects of succession , Action to oppose	LSA C.C. 1305	30 years if possession is separate and has continued without interruption
Paternity , Action to prove <ul style="list-style-type: none"> Applies to succession matters only; no limitation otherwise 	LSA C.C. 197	1 year from death of alleged father
Spousal support arrearages , 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
Succession , new creditors' action against paid creditors, Prescription	LSA C.C. 1188	3 years from date of order or judgment
Succession representative , Action against <ul style="list-style-type: none"> Prescription is not suspended or interrupted because of incapacity Prescription does not apply for recovery of misappropriated funds or other property by succession representative, nor to action for any amount not paid as shown on final account 	LSA R.S. 9:5621	2 years from judgment homologating final account

FAMILY/ESTATE		
Actions	Authority	Time Limitation
Testaments, Action to probate	LSA R.S. 9:5643	5 years after judicial opening of succession
Trustee, Beneficiary's action against <ul style="list-style-type: none"> Minors have 2 years after reaching majority 	LSA R.S. 9:2234	2 years of date trustee rendered an accounting, but no more than 3 years
Unrecognized successor against third parties for interest in immovable, Action by	LSA R.S. 9:5630	2 years from final judgment of possession. See statute
Usufruct, Action to terminate for nonuse	LSA C.C. 621	10 years
GOVERNMENT/STATE		
Actions	Authority	Time Limitation
Appropriation by parish/state, Action for compensation	LSA R.S. 13:5111	3 years from date of taking of property
Claims against state, Action for	LSA R.S. 39:339	2 years after claim accrues
Elections, Action to contest	LSA R.S. 18:1405	Varies; see statute
Elections, Campaign finance disclosure	LSA R.S. 18:1511.11	3 years from date of violation, or 1 year if violation is contained in report
Ethics violations of public employees, Action to enforce	LSA R.S. 42:1163	The <i>earlier</i> of: 2 years following discovery of occurrence, or 4 years after occurrence
Expropriation, Exercising right to <ul style="list-style-type: none"> See also RS 19:2.2 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
Judicial sales, Informalities of legal procedure regarding	LSA R.S. 9:5622	2 years from sale; 5 years for minors or interdicted from date of public adjudication or private sale
Levees or levee drainage, Action for lands and improvements destroyed for	LSA R.S. 9:5626	2 years from actual occupancy and use or destruction for levee or levee drainage works construction
Liens and privileges in favor of State, Prescription	LSA R.S. 9:5685(B)	10 years or less. See statute
Misfeasance or nonfeasance by sheriff, overpaid costs, Recovery of damages, costs	LSA R.S. 9:5623; 13:5548	2 years after date of act of omission or commission
Public contracts, Action against contractor, surety on contract, bond	LSA R.S. 38:2189	5 years from "substantial completion", as defined in 38:2241.1, or acceptance of such work, <i>whichever occurs first</i> , or of notice of default of the contractor. See also 38:2189.1
Public places, encroachments, Action to remove building	LSA R.S. 9:5627	The <i>later</i> of: 2 years from date of commencement of building, or 6 months from effective date of this statute
Public way, Damages from grading	LSA R.S. 9:5603	1 year from time damage was sustained
Sheriff's deeds, Action to set aside sale of property	LSA R.S. 9:5642	5 years from date of deed. See statute
Zoning, building restrictions, 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
Claim or privilege under Private Works Act, Enforcement of	LSA R.S. 9:4823(A)(2)	1 year after filing statement of claim or privilege
Compensation for services rendered, Recovery of <ul style="list-style-type: none"> Includes payment of salaries, wages, commissions, professional fees, fees and emoluments of public officials, freight, passage, money, lodging and board 	LSA C.C. 3494(1)	3 years
Discrimination in employment, 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

LABOR, LIENS AND HUMAN RIGHTS

Actions	Authority	Time Limitation
Louisiana Equal Housing Opportunity Act , 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
Persons with disability , Unlawful discrimination of	LSA R.S. 46:2256(A)	1 year from date of alleged discriminatory act to file civil action after proper 30 day notice
Special education , 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. Time limit does not apply if parent misrepresented or information was withheld
Subcontractors, materialmen and laborers on public works , Action on bond	LSA R.S. 38:2247	1 year, plus notice. See statute
Worker's Compensation , Claim for <ul style="list-style-type: none"> • 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 • After initiation of petition for compensation: 5 years from date petition is initiated • Supplemental earnings benefit: 3 years after last payment • Delayed injury: 1 year after injury develops but no more than 3 years from date of accident • 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 • Occupational disability: 1 year (see 23:1031.1(E)) 	LSA R.S. 23:1209; 23:1031.1	See statutes

MISCELLANEOUS

Actions	Authority	Time Limitation
Asbestos abatement , Action to recover	LSA R.S. 9:5644	The <i>later</i> of: 5 years after the date recovering party has completed the abatement work <i>or</i> discovered the identity of the manufacturer of the materials which require abatement
Building restriction , Violation of	LSA C.C. 781	2 years from start of noticeable violation
Carriers , Damage to shipments and recovery	LSA R.S. 45:1100	2 years from the date of shipment
Charitable or educational institution or fund , Debts due	LSA R.S. 9:5701	30 years for written debts for student loans, stipends, or benefits due to public institutions of higher education; 10 years for all others
Dissolved LLC , Claim against	LSA R.S. 12:1338(D)	3 years. See statute
Foreign corporation , Action to set aside public sale of land made under attachment proceedings	LSA R.S. 9:5641	5 years from recordation of sale
Fugitive from justice , Prescription against	LSA R.S. 9:5802	Prescription does not run until fugitive returns
Invalid power of attorney , 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
Acquisitive prescription <ul style="list-style-type: none"> • 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 • Immovables – blighted property via RS 9:5633: 3 years without need of just title or possession in good faith. See statute • Movables via CC 3489 – 3491: 3 years; 10 years without need of just title or possession in good faith 	LSA C.C. 3473–3491; R.S. 9:5633	See statutes
Contract to sell or transfer immovables, Action for breach	LSA R.S. 9:5645	5 years
Crops, 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
Harvesting of timber without the consent of the owner, Action for damages <ul style="list-style-type: none"> • Suspended during minority 	LSA C.C. 3497	5 years
Home Warranty Act, Action for violation of (LSA RS 9:3144; 9:3145 required notice) <ul style="list-style-type: none"> • 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
Land patent, Action to annul	LSA R.S. 9:5661	6 years from issuance of patent
Legal entity, unincorporated association, Action to set aside sale, transfer, lease, mortgage of immovable property	LSA R.S. 9:5646	5 years from recordation. See statute
Mineral production royalties, Action to recover <ul style="list-style-type: none"> • Not state owned properties 	LSA C.C. 3494(5)	3 years
Private property damaged for public purposes, Action for damages	LSA R.S. 9:5624	2 years after completion and acceptance of public works
Redemption, Right of <ul style="list-style-type: none"> • 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
Rescission of partition and warranty of portions, Action for <ul style="list-style-type: none"> • Suspended during minority 	LSA C.C. 3497	5 years
Uniform Unclaimed Property Act, Action under	LSA R.S. 9:171(B)	10 years after holder identified property or gave notice of dispute

TORTS		
Actions	Authority	Time Limitation
<p>Accountant professional liability, whether based in tort or contract, Action for damages</p> <ul style="list-style-type: none"> • Peremptive periods apply to the disabled, minors, or interdicts, but does not apply to actions filed by State Board Certified Public Accountants of Louisiana 	LSA R.S. 9:5604	1 year peremptive period from date of act or omission, or when act or omission should have been discovered. 3 year peremptive period from act or omission regardless of discovery date. Peremptive periods do not apply in cases of fraud
<p>Attorneys professional liability, whether based in tort or contract, Action against</p> <ul style="list-style-type: none"> • Peremptive periods apply to the disabled, minors, or interdicts • Theft or misappropriation of client funds via 9:5605.1: Prescriptive period of 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 from final judgment in suit or termination of attorney-client relationship 	LSA R.S. 9:5605; C.C. 3496; R.S. 9:5605.1; LA S.C. Rule XIX, Sec. 31	1 year peremptive period from date of act or omission, or when act or omission should have been discovered. 3 year peremptive period from act or omission regardless of discovery date. Peremptive periods do not apply in cases of fraud. See statutes
<p>Crime of violence, Civil action for damages</p> <ul style="list-style-type: none"> • 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
<p>Engineers, surveyors, architects, designers, real estate developer, whether based in tort or contract, Action for damages</p> <ul style="list-style-type: none"> • The provisions of this section shall take precedence over and supersede the provisions of R.S. 9:2772 and C.C. 2762 and 3545. See also R.S. 9:2772, C.C. 3500 • Peremptive periods apply to the disabled, minors, or interdicts, but not to actions filed by the Louisiana Professional Engineering and Land Surveying Board or the State Board of Architectural Examiners 	LSA R.S. 9:5607	5 year peremptive period, except in case of fraud. See 9:5607(A)(1)-(3) for commencement of peremptive period. See also Surveying, design, supervision or contraction of immovables or improvements thereon , Action involving deficiencies under TORTS
<p>Home inspectors, whether based in tort or contract, Action for damages</p> <ul style="list-style-type: none"> • Prescriptive period does not apply to the inspection of new homes that are subject to R.S. 9:3141, nor to actions filed by the Louisiana State Board of Home Inspectors 	LSA R.S. 9:5608	1 year from act/omission. Prescriptive period does not apply in case of fraud
<p>Insurance agents, brokers, salespersons, whether based in tort or contract, Action for damages</p> <ul style="list-style-type: none"> • Peremptive periods apply to the disabled, minors, or interdicts 	LSA R.S. 9:5606	1 year peremptive period from date of act or omission, or when act or omission should have been discovered. 3 year peremptive period from act or omission regardless of discovery date. Peremptive periods do not apply in cases of fraud
<p>Medical malpractice by licensed physician, chiropractor, nurse, midwife practitioner, dentist, psychologist, optometrist, hospital or nursing home, whether based in tort or contract, Action for damages for injury or death</p> <ul style="list-style-type: none"> • Peremptive periods apply to the disabled, minors, or interdicts • See R.S. 40:1231.8 for medical review panel procedure • Liability from use of blood or tissue via 9:5628.1: 1 year/3 year peremptive periods 	LSA R.S. 9:5628	1 year peremptive period from date of act or omission, or when act or omission should have been discovered. 3 year peremptive period from act or omission regardless of discovery date. Peremptive periods do not apply in cases of fraud

TORTS		
Actions	Authority	Time Limitation
Negligence , 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
Notaries public, whether based in tort or contract , Action for damages <ul style="list-style-type: none"> • Peremptive periods apply to the disabled, minors, or interdicts • Action against notaries who are also attorneys is governed by R.S. 9:5605 	LSA R.S. 35:200	1 year peremptive period from date of act or omission, or when act or omission should have been discovered. 3 year peremptive period from act or omission regardless of discovery date. Peremptive periods do not apply in cases of fraud
Nursing home, healthcare facility , Action for injunctive relief	LSA R.S. 40:2010.9	1 year from date of act or omission, or when act or omission should have been discovered. 3 years from act or omission regardless of discovery date. Prescriptive periods apply to the disabled, minors, or interdicts
Personal action , Liberative prescription	LSA C.C. 3499	10 years
Surveying, design, supervision or construction of immovables or improvements thereon, whether based in tort or contract , Action involving deficiencies in <ul style="list-style-type: none"> • 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 	LSA R.S. 9:2772	5 year peremptive period, except in case of fraud. See 9:2772(A)(1)(a)-(c) for commencement of peremptive period. See also Engineers, surveyors, architects, designers, real estate developers , Action of damages under TORTS. See statute

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