

# 2021 Updates to Louisiana Civil Code Articles

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**Art. 811. Partition by licitation or by private sale**

A. When the thing held in indivision is not susceptible to partition in kind, the court shall decree a partition by licitation or, as provided in Paragraph B of this Article, by private sale and the proceeds shall be distributed to the co-owners in proportion to their shares.

B. In the event that one or more of the co-owners are absentees or have not consented to a partition by private sale, the court shall order a partition by private sale and shall give first priority to the private sale between the existing co-owners, over the sale by partition by licitation or private sale to third parties. The court shall order the partition by private sale between the existing co-owners as identified in the conveyance records as of the date of filing for the petition for partition by private sale. The petition for partition by private sale shall be granted first priority, and the sale shall be executed under Title IX of Book VII of the Code of Civil Procedure.

Acts 1990, No. 990, §1, eff. Jan. 1, 1991; Acts 2020, No. 281, §1, eff. June 11, 2020; Acts 2021, No. 27, §1, eff. June 1, 2021.

**Art. 2041. Action must be brought within one year**

The action of the obligee must be brought within one year from the time he learned or should have learned of the act, or the result of the failure to act, of the obligor that the obligee seeks to annul, but never after three years from the date of that act or result.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985; Acts 2013, No. 88, §1; Acts 2021, No. 414, §1.

**Art. 2315.11. Liability for damages caused by sexual assault**

A. In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by an act or acts of sexual assault in the workplace.

B. The provisions of this Article shall be applicable only to the perpetrator of the sexual assault.

C. Upon motion of the defendant or upon its own motion, if the court determines that an action seeking damages under this Article is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

D. An action under the provisions of this Article shall be subject to a liberative prescriptive period provided for in Article 3496.2.

E. As used in this Article, sexual assault is as defined in R.S. 46:2184.

Acts 2021, No. 411, §1.

**Art. 2534. Prescription**

A. The action for redhibition against a seller who did not know of the existence of a defect in the thing sold and the action asserting that a thing is not fit for its ordinary or intended use prescribe in two years from the day of delivery of the thing to the buyer or one year from the day the defect or unfitness was discovered by the buyer, whichever occurs first.

B. The action for redhibition against a seller who knew, or is presumed to have known, of the existence of a defect in the thing sold prescribes in one year from the day the defect was discovered by the buyer or ten years from the perfection of the contract of sale, whichever occurs first.

C. In any case prescription on an action for redhibition is interrupted when the seller accepts the thing for repairs and commences anew from the day he tenders it back to the buyer or notifies the buyer of his refusal or inability to make the required repairs.

Acts 1993, No. 841, §1, eff. Jan. 1, 1995; Acts 1995, No. 172, §1; Acts 1997, No. 266, §1; Acts 2021, No. 414, §1.

**Art. 3419.1. Lost things; domestic animals**

To claim ownership of a domestic animal pursuant to Article 3419 or 3490, the possessor shall prove that the animal when acquired lacked a microchip or other owner-identifying information such as a collar, rabies tag, or tattoo. The presence of owner-identifying information creates a rebuttable presumption that the possessor has not satisfied the requirements for ownership under Article 3419 or 3490.

Acts 2021, No. 162, §2, eff. June 11, 2021.

**Art. 3452. Necessity for pleading prescription**

Prescription must be pleaded. Except as otherwise provided by legislation, courts may not supply a plea of prescription.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983; Acts 2021, No. 259, §1.

**Art. 3463. Duration of interruption; abandonment or discontinuance of suit**

A. An interruption of prescription resulting from the filing of a suit in a competent court and in the proper venue or from service of process within the prescriptive period continues as long as the suit is pending.

B. Interruption is considered never to have occurred if the plaintiff abandons the suit, voluntarily dismisses the suit at any time either before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial. The dismissal of a suit pursuant to a compromise does not constitute a voluntary dismissal.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983; Acts 1999, No. 1263, §2, eff. Jan. 1, 2000; Acts 2018, No. 443, §1; Acts 2021, No. 414, §1.