
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 348 Engrossed

2019 Regular Session

Bourriaque

Abstract: Authorizes a comprehensive agreement for public-private partnership projects to contain a provision allowing an authority to retain liability for damages arising out of injuries or property damage to third parties under certain circumstances.

Present law requires that the comprehensive agreement incorporate the duties of the private entity under present law and authorizes the agreement to contain other terms and conditions that the authority and responsible public entity determine serve the public purpose of present law.

Present law specifies that the comprehensive agreement may contain, without limitation, provisions under which the authority agrees to provide notice of default and cure rights for the benefit of the private entity and the parties providing financing for the qualifying transportation facility and other lawful terms and conditions to which the private entity, the authority, and the responsible public entity mutually agree to, including provisions regarding unavoidable delays.

Proposed law retains present law and adds that the comprehensive agreement may also contain provisions under which the authority may retain liability for damages arising out of injuries or property damage to third parties, in the event that the qualifying transportation facility, or portions thereof, are determined to be uninsurable for such damages.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 48:250.4(A) and 2084.6(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Specify that the authority may retain liability for damages arising out of injuries or property damage to third parties in the event that the qualifying transportation facility, or portions thereof, are determined to be uninsurable for such damages.