The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SB 429 Original | 2022 Regular Session | Womack

Present law provides that public works are substantially completed when the public entity can use or occupy the public works or use or occupy the specified area of the public works for the use for which it was intended, and that recordation of an acceptance in accordance with present law upon substantial completion shall be an effective acceptance.

Proposed law retains present law and adds a requirement that the public entity shall publish and furnish to the contractor an itemized list of the remaining matters to be finished, errors in the public works to be remedied, or any inconsequential matters, within 10 days of substantial completion of the public works. Proposed law further provides that the itemized list may be amended by the public entity or its professional representative up to 14 days after initial publication.

Present law provides that any public entity that does not file for an acceptance of public work shall require the contractor to record in the office of the recorder of mortgages in the parish where the work has been done, acceptance of such work or of any specified area of such work, not later than 45 calendar days after the date of completion or substantial completion of the work. Present law further provides that a public entity shall not take, use, or occupy the public work or use or occupy the specified area of the public work for which it was intended until the substantial completion has been filed pursuant to present law, unless an approved agreement of partial occupancy is executed between the public entity, the design professional of record, and the contractor. Provides that the public entity's failure to comply with the provisions of present law shall be subject to a writ of mandamus.

Proposed law retains present law.

Effective August 1, 2022.

(Amends R.S. 38:2241.1(C) and (D); adds R.S. 38:2241.1(E))