

SENATE BILL NO. 429

BY SENATOR WOMACK AND REPRESENTATIVE ROMERO

1 AN ACT

2 To amend and reenact R.S. 38:2248(B), relative to public works contracts; to provide with  
3 respect to substantial completion of public works; to provide for notice and  
4 itemization of work to be performed; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2248(B) is hereby amended and reenacted to read as follows:

7 §2248. Provisions for withholding payment; effect on liability of contractor or  
8 agency; punch list; liquidated damages

9 \* \* \*

10 B.(1) All public works contracts shall contain a clause stating that any punch  
11 list generated during a construction project shall include the cost estimates for the  
12 particular items of work the design professional has developed based on the  
13 mobilization, labor, material, and equipment costs of correcting each punch list item.  
14 The design professional shall retain his working papers used to determine the punch  
15 list items cost estimates should the matter be disputed later. The contracting agency  
16 shall not withhold from payment more than the value of the punch list. Punch list  
17 items completed shall be paid upon the expiration of the forty-five day lien period.

18 **(2) If the public entity occupies or uses the public works, the following**  
19 **shall apply:**

20 **(a) The punch list shall be furnished to the contractor within ten days of**  
21 **substantial completion, as defined in R.S. 38:2241.1.**

22 **(b) Within fourteen days of providing the punch list to the contractor,**  
23 **the punch list may be amended by the design professional or the public entity.**

1                    (3) The provisions of this Section shall not be subject to waiver, nor shall  
2                    these provisions apply to the Department of Transportation and Development.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_