## SLS 20RS-508

## ORIGINAL

2020 Regular Session

SENATE BILL NO. 333

BY SENATOR WARD

PUBLIC WORKS. Provides relative to liens and perfection of claims in the Public Works Act. (8/1/20)

1	AN ACT
2	To amend and reenact R.S. 38:2242(B) and (F) and 2247, relative to claims and claimants
3	under the public contracts law; to provide relative to claimant's right of action for
4	work performed under the public contracts law; relative to proper notice, maturity
5	and recordation of a claim against surety, contractor, or subcontractor; relative to
6	requirements; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 38:2242(B) and (F) and 2247 are hereby amended and reenacted to
9	read as follows:
10	§2242. Claimant defined; filing of sworn statements of amounts due; payment by
11	contracting authority
12	* * *
13	B. Any claimant may shall after the maturity of his claim and within forty-
14	five days after the recordation of acceptance of the work by the governing authority
15	or of notice of default of the contractor or subcontractor, file a sworn statement of
16	the amount due him with the governing authority having the work done and record
17	it in the office of the recorder of mortgages for the parish in which the work is done.

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2 F. In addition to the other provisions of this Section, if the materialman has not been paid by the subcontractor and has not sent notice of nonpayment to the 3 general contractor and the owner, then the materialman shall lose his right to file a 4 5 privilege or lien on the immovable property assert the claim or privilege granted under Subsection B of this Section. The return receipt indicating that certified mail 6 7 was properly addressed to the last known address of the general contractor and the 8 owner and deposited in the U.S. mail on or before seventy-five days from the last 9 day of the month in which the material was delivered, regardless of whether the 10 certified mail was actually delivered, refused, or unclaimed satisfies the notice provision hereof or no later than the statutory lien period, whichever comes first. The 11 provisions of this Subsection shall apply only to disputes arising out of recorded 12 13 contracts. 14 §2247. Construction of Part 15 16 Nothing in this Part shall be construed to deprive any claimant, as defined in this Part and who has complied with the notice and recordation requirements of this 17 Part including R.S. 38:2242(B), of his right of action on the bond furnished 18 19 pursuant to this Part, provided that said the action must be brought against the surety or the contractor or both within one year from the registry of acceptance of the work 20 21 or of notice of default of the contractor; except that before any claimant having a 22 direct contractual relationship with a subcontractor but no contractual relationship with the contractor shall have a right of action against the contractor or the surety on 23 the bond furnished by the contractor, he shall in addition to the notice and 24 recordation required in R.S. 38:2242(B) give written notice to said contractor within 25 forty-five days from the recordation of the notice of acceptance by the owner of the 26 27 work or notice by the owner of default, stating with substantial accuracy the amount

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claimed and the name of the party to whom the material was furnished or supplied

or for whom the labor or service was done or performed. Such notice Notice shall

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- 1 be served by mailing the same by registered or certified mail, postage prepaid, in an
  - envelope addressed to the contractor at any place he maintains an office in the state
    - of Louisiana.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

## DIGEST

SB 333 Original

2020 Regular Session

Ward

<u>Present law</u> provides that a claimant may after the maturity of his claim and within 45 days after recordation of acceptance of work or notice of default of the contractor or subcontractor, file a written statement of the amount due to him.

<u>Proposed law</u> retains <u>present law</u> and provides that a claimant shall after the maturity of his claim and within 45 days after recordation of acceptance of work or notice of default of the contractor or subcontractor, file a written statement of the amount due to him.

<u>Proposed law</u> provides that nothing in the Part addressing claims of subcontractors including R.S. 38:2242, shall deprive any claimant of his right of action on the bond furnished pursuant to this Part.

Effective August 1, 2020.

(Amends R.S. 38:2242(B) and (F) and 2247)