

2026 Regular Session

SENATE BILL NO. 235

BY SENATOR WOMACK

PUBLIC CONTRACTS. Provides relative to payments under contract by public entities.  
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 38:2191(C) through (E) and to enact R.S. 38:2191(F), relative  
3 to payments under contract by public entities; to provide relative to payments due on  
4 certain public works contracts; to provide for withholding of liquidated damages;  
5 provide for exceptions; to provide for mandamus proceedings; to provide for  
6 attorney fees and interest; to provide for an effective date; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:2191(C) through (E) are hereby amended and reenacted and R.S.  
10 38:2191(F) is hereby enacted to read as follows:

11 §2191. Payments under contract

12 \* \* \*

13 C. Except as provided in R.S. 38:2248(C), a public entity shall not  
14 withhold liquidated damages contested by the contractor from any payments  
15 or monies otherwise due, provided that payment to the contractor shall not  
16 prejudice the ability of a public entity to assert a claim for liquidated damages  
17 against the contractor.



Proposed law prohibits public entities from withholding liquidated damages contested by the contractor from any payments or monies otherwise due, provided that payment to the contractor does not prejudice a public entity's ability to assert a claim for liquidated damages against the contractor.

Present law subjects public entities to mandamus for failing to make progressive stage payments arbitrarily or without reasonable cause, or any final payment when due. Present law provides that the mandamus compel the payment of amounts due under contract up to the appropriation made for the award and execution of the contract or change orders.

Proposed law adds that the mandamus compel the payment of attorney fees and accumulated interest to the contractor.

Proposed law provides a public entity's claim for liquidated damaged shall not be subject to the mandamus proceeding.

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

(Amends R.S. 38:2191(C) - (E); Adds R.S. 38:2191(F))