

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

---

SB 308 Original

DIGEST  
2026 Regular Session

Miller

Present law provides the definition of "claimant" as any person to whom money is due pursuant to a contract relationship with the owner or a contractor or subcontractor in connection with the building of any public work. Proposed law retains present law and adds "noncontractual" relationships to the definition.

Proposed law provides noncontractual claimant that intends to preserve the right to assert a claim against the bond furnished or against unexpended contract funds must serve a written "Notice to Contractor and Public Entity". Proposed law further provides the notice be served on the contractor and the public entity within 45 days after the claimant furnishes labor, services, materials, or equipment to the public work, and include the name and address of the claimant, the name of the contractor, the name of the person with whom the claimant has contracted if applicable, a general description of the labor, services, materials, or equipment to be furnished, a statement that the claimant intends to pursue the bond or unexpended contract funds for payment if not timely paid.

Proposed law provides a non contractual claimant's failure to timely serve notice required precludes the claimant from asserting any claim or privilege against the contractor, the surety on the bond, or the public entity, except as to work, labor, services, materials, or equipment furnished prior to August 1, 2026.

Proposed law provides any claimant who does not have a direct contractual relationship with the contractor and intends to preserve the right to assert a claim for unpaid labor, services, materials, or equipment furnished in a particular calendar month must serve a "Monthly Notice of Nonpayment" for each calendar month in which the claimant furnishes labor, services, materials, or equipment to the public work that payment has not been received, within 30 days after payment is due under the claimant's contract. Proposed law further provides the claimant must serve a "Monthly Notice of Nonpayment" on the contractor, the public entity, and the surety on the bond.

Proposed law provides the Monthly Notice of Nonpayment be served within 75 days after the last day of the calendar month in which the unpaid labor, services, materials, or equipment were furnished. Proposed law further provides the Monthly Notice of Nonpayment include the project and public entity, the name of the contractor, the name of the person the claimant has contracted, the calendar month or months the notice corresponds with, the total amount claimed as unpaid for the months, that the claimant has not been paid the amount, that failure to pay may result in a claim against the bond and unexpended contract funds.

Proposed law provides a claimant who does not timely serve a Monthly Notice of Nonpayment is

not entitled to assert any claim or privilege for the labor, services, materials, or equipment furnished during the calendar month or months of the untimely notice. Proposed law further provides failure to timely serve notice does not affect rights preserved to other calendar months for which timely notice was given.

Proposed law provides the method of serving notice may be served by registered or certified mail, postage prepaid, addressed to the last known business address of the contractor, public entity, or surety, as applicable; commercial delivery service which provides written confirmation of delivery; electronic mail directed to an address which the contractor, public entity, or surety has expressly designated in the contract, in the bond, or in a written notice filed of record with the public entity for receipt of notices.

Proposed law further provides service by certain methods are effective when deposit for mailing, delivery to a commercial carrier, or successful electronic transmission, as the case may be. Proposed law further provides the parties can agree to additional or alternative methods of service.

Effective August 1, 2026.

(Amends R.S. 38:2242(A); adds R.S. 38:2242 (G), (H), and (I))