

2026 Regular Session

HOUSE BILL NO. 170

BY REPRESENTATIVE RISER AND SENATOR CATHEY

CONTRACTS: Provides relative to construction contracts

1 AN ACT

2 To amend and reenact R.S. 9:2779, relative to construction contracts; to provide for
3 definitions; to provide for technical changes; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 9:2779 is hereby amended and reenacted to read as follows:

6 §2779. Construction contracts, subcontracts, and purchase orders; certain provisions
7 invalid

8 A.(1) For purposes of this Chapter, "construction contract" means any
9 agreement for the design, construction, alteration, renovation, repair, or maintenance
10 of a building, structure, highway, road, bridge, water line, sewer line, oil line, gas
11 line, appurtenance, or other improvement to real property, or repair or maintenance
12 of a highway, road, or bridge, including any moving, demolition, or excavation.

13 (2) "Construction contract" does not include any design, construction,
14 alteration, renovation, repair, or maintenance of the following:

15 (a) Any dirt or gravel road used to access oil and gas wells and associated
16 facilities.

17 (b) Oil flow lines or gas gathering lines used in association with the
18 transportation of production from oil and gas wells from the point that oil and gas
19 becomes comingled for transportation to oil storage facilities or gas transmission
20 lines.

1 (c) Any deed, lease, easement, license, or other instrument granting an
2 interest in or the right to possess property even if the instrument includes the right
3 to design, construct, alter, renovate, repair, or maintain improvements on such real
4 property.

5 (d) Upstream, midstream, or downstream oil, gas, chemical, petrochemical,
6 or fuel manufacturing facilities or infrastructure, including refineries, processing
7 plants, chemical or petrochemical manufacturing facilities, terminals, or associated
8 appurtenant structures and facilities.

9 ~~A. B.~~ The legislature finds that, with respect to construction contracts,
10 subcontracts, and purchase orders for public and private works projects, when one
11 of the parties is domiciled in Louisiana, and the work to be done and the equipment
12 and materials to be supplied involve construction projects in this state, ~~provisions in~~
13 ~~any provision in~~ such agreements requiring disputes ~~arising thereunder~~ to be resolved
14 in a forum outside of this state or requiring their interpretation to be governed by the
15 laws of another jurisdiction are inequitable and against the public policy of this state.

16 ~~B. C.~~ The legislature hereby declares null, ~~and~~ void, and unenforceable as
17 against public policy any provision in a contract, subcontract, or purchase order, as
18 described in Subsection ~~A B~~ of this Section, which either:

19 (1) Requires a suit or arbitration proceeding to be brought in a forum or
20 jurisdiction outside of this state; rather, such actions or proceedings may be pursued
21 in accordance with the Louisiana Code of Civil Procedure or other laws of this state
22 governing similar actions.

23 (2) Requires interpretation of the agreement according to the laws of another
24 jurisdiction.

25 ~~C. D.~~ The provisions of this Section apply to contracts, subcontracts, and
26 purchase orders; as described in Subsection ~~A, B~~ of this Section ~~entered into on or~~
27 ~~after September 6, 1991.~~

28 ~~D. E.~~ Notwithstanding any other provisions of law to the contrary, the
29 provisions of this Section ~~shall~~ do not apply to negotiated labor contracts.

- 1 Section 2. The provisions of this Act apply to contracts, subcontracts, and purchase
2 orders entered into on or after September 6, 1991.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 170 Reengrossed

2026 Regular Session

Riser

Abstract: Provides a definition for "construction contract".

Present law provides relative to conflict of laws and the proper forum for disputes involving construction contracts, subcontracts, and purchase orders for public and private works projects.

Proposed law retains present law. Defines "construction contract" and makes technical changes.

(Amends R.S. 9:2779)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Expand the exceptions to the definition of "construction contract" to include any design, construction, alteration, renovation, repair, or maintenance of upstream, midstream, or downstream oil, gas, chemical, petrochemical, or fuel manufacturing facilities or infrastructure, including refineries, processing plants, chemical or petrochemical manufacturing facilities, terminals, or associated appurtenant structures and facilities.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove obsolete effective date.