

2026 Regular Session

HOUSE BILL NO. 170

BY REPRESENTATIVE RISER AND SENATOR CATHEY

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.

1 **(b) Oil flow lines or gas gathering lines used in association with the**
 2 **transportation of production from oil and gas wells from the point that oil and gas**
 3 **becomes comingled for transportation to oil storage facilities or gas transmission**
 4 **lines.**

5 **(c) Any deed, lease, easement, license, or other instrument granting an**
 6 **interest in or the right to possess property even if the instrument includes the right**
 7 **to design, construct, alter, renovate, repair, or maintain improvements on such real**
 8 **property.**

9 **(d) Upstream, midstream, or downstream oil, gas, chemical, petrochemical,**
 10 **or fuel manufacturing facilities or infrastructure, including refineries, processing**
 11 **plants, terminals, or associated appurtenant structures and facilities.**

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

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

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

26 (2) Requires interpretation of the agreement according to the laws of another
 27 jurisdiction.

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

1 ~~Ð~~ E. Notwithstanding any other provisions of law to the contrary, the
2 provisions of this Section ~~shall~~ do not apply to negotiated labor contracts.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____