

Regular Session, 2012

# ACT No. 425

HOUSE BILL NO. 941

BY REPRESENTATIVE ABRAMSON

1 AN ACT

2 To amend and reenact R.S. 9:4821 and to enact R.S. 9:4820(D), relative to the Private  
3 Works Act; to provide for effective dates of privileges; to provide for priority of  
4 privileges; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:4821 is hereby amended and reenacted and R.S. 9:4820(D) is  
7 hereby enacted to read as follows:

8 §4820. Privileges; effective date

9 \* \* \*

10 D. A person acquiring or intending to acquire a mortgage, privilege, or other  
11 right under Subsection C of this Section shall have priority in accordance with R.S.  
12 9:4821, regardless of whether work has begun or materials were delivered to the job  
13 site after the effective date and time of the affidavit, but prior to the recordation of  
14 the mortgage, privilege, or other right, provided that the document creating the right  
15 was filed before or within four business days of the filing of the affidavit.

16 §4821. Ranking of privileges

17 A. The privileges granted by R.S. 9:4801 and 4802 rank among themselves  
18 and as to other mortgages and privileges in the following order of priority:

19 (1) Privileges for ad valorem taxes or local assessments for public  
20 improvements against the property, liens, and privileges granted in favor of parishes  
21 for reasonable charges imposed on the property under R.S. 33:1236, liens and  
22 privileges granted in favor of municipalities for reasonable charges imposed on  
23 property under R.S. 33:4752, 4753, 4754, 4766, 5062, and 5062.1, and liens and  
24 privileges granted in favor of a parish or municipality for reasonable charges

1 imposed on the property under R.S. 13:2575 are first in rank and concurrent  
2 regardless of the dates of recordation or notation of such liens and privileges in any  
3 public record, public office, or public document.

4 (2) Privileges granted by R.S. 9:4801(2) and ~~R.S. 9:4802(A)(2)~~ rank next  
5 and equally with each other.

6 (3) Bona fide mortgages or vendor's privileges that are effective as to third  
7 persons before the privileges granted by this Part are effective rank next and in  
8 accordance with their respective rank as to each other.

9 (4) Privileges granted by R.S. 9:4801(3), ~~R.S. 9:4801~~ and (4) and by ~~R.S.~~  
10 ~~9:4802(A)(1)~~, ~~R.S. 9:4802(A)(3)~~, and ~~R.S. 9:4802(A)(4)~~ rank next and equally with  
11 each other.

12 (5) Privileges granted by R.S. 9:4801(1) and ~~R.S. 9:4801(5)~~ rank next and  
13 equally with each other.

14 (6) Other mortgages or privileges rank next and in accordance with their  
15 respective rank as to each other.

16 B. A person acquiring or intending to acquire a mortgage, privilege, or other  
17 right under R.S. 9:4820(D) shall have priority in accordance with the provisions of  
18 this Section, regardless of whether work has begun or materials were delivered to the  
19 jobsite after the effective date and time of the affidavit, but prior to the recordation  
20 of the mortgage, privilege, or other right, provided that the document creating the  
21 right was filed before or within four business days of the filing of the affidavit.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_