

Regular Session, 2014

HOUSE BILL NO. 666

BY REPRESENTATIVE SHADOIN

PUBLIC CONTRACT/BIDS: Provides relative to claimants' rights under the public bid law

1 AN ACT

2 To amend and reenact R.S. 38:2247, relative to public works contracts; to provide for notice
3 to a public body of surety; to provide for legislative intent; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2247 is hereby amended and reenacted to read as follows:

7 §2247. Construction of Part

8 Nothing in this Part shall be construed to deprive any claimant, as defined in
9 this Part and who has provided the public body or the surety of actual notice or has
10 complied with the notice and recordation ~~requirements~~ provisions of R.S.
11 38:2242(B), of his right of action on the bond furnished pursuant to this Part,
12 provided that said action must be brought against the surety or the contractor or both
13 within one year from the registry of acceptance of the work or of notice of default
14 of the contractor; except that before any claimant having a direct contractual
15 relationship with a subcontractor but no contractual relationship with the contractor
16 shall have a right of action against the contractor or the surety on the bond furnished
17 by the contractor, he shall in addition to the notice and recordation ~~required~~ provided
18 for in R.S. 38:2242(B) give written notice to said contractor within forty-five days
19 from the recordation of the notice of acceptance by the owner of the work or notice
20 by the owner of default, stating with substantial accuracy the amount claimed and the

1 name of the party to whom the material was furnished or supplied or for whom the
2 labor or service was done or performed. Such notice shall be served by mailing the
3 same by registered or certified mail, postage prepaid, in an envelope addressed to the
4 contractor at any place he maintains an office in the state of Louisiana.

5 Section 2. This Act is intended to clarify that the notice and recordation provisions
6 of R.S. 38:2242(B) are permissive and not intended to change the law.

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)]

Shadoin

HB No. 666

Abstract: Provides that a claimant's right of action is preserved with actual notice to the public body or surety.

Present law provides that a claimant may after the maturity of his claim and within 45 days after the recordation of acceptance of the work by the governing authority or of notice of default of the contractor or subcontractor, file a sworn statement of the amount due to the governing authority and record it in the mortgage records.

Proposed law retains present law.

Present law provides that claimant shall not be deprived of his right of action against the bond, for 1 year from the acceptance of work or the notice of default, if the claimant complied with the notice and recordation requirements of present law.

Proposed law provides that a claimant's right of action is preserved if he provides the public body or surety of actual notice or he complies with the notice and recordation provisions of present law.

Proposed law provides proposed law is intended to clarify that the notice and recordation provisions of R.S. 38:2242(B) are permissive and not intended to change the law.

(Amends R.S. 38:2247)