

2020 Regular Session

SENATE BILL NO. 333

BY SENATOR WARD

PUBLIC WORKS. Provides relative to liens and perfection of claims in the Public Works Act. (8/1/20)

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AN ACT

To amend and reenact R.S. 38:2242(B) and (F) and 2247, relative to claims and claimants under the public contracts law; to provide relative to claimant's right of action for work performed under the public contracts law; relative to proper notice, maturity and recordation of a claim against surety, contractor, or subcontractor; relative to requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2242(B) and (F) and 2247 are hereby amended and reenacted to read as follows:

§2242. Claimant defined; filing of sworn statements of amounts due; payment by contracting authority

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B. Any claimant ~~may~~ **shall** after the maturity of his claim and within forty-five 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 him with the governing authority having the work done and record it in the office of the recorder of mortgages for the parish in which the work is done.

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2 F. In addition to the other provisions of this Section, if the materialman has

3 not been paid by the subcontractor and has not sent notice of nonpayment to the

4 general contractor and the owner, then the materialman shall lose his right to ~~file a~~

5 ~~privilege or lien on the immovable property~~ **assert the claim or privilege granted**

6 **under Subsection B of this Section.** The return receipt indicating that certified mail

7 was properly addressed to the last known address of the general contractor and the

8 owner and deposited in the U.S. mail on or before seventy-five days from the last

9 day of the month in which the material was delivered, regardless of whether the

10 certified mail was actually delivered, refused, or unclaimed satisfies the notice

11 provision hereof or no later than the statutory lien period, whichever comes first. The

12 provisions of this Subsection shall apply only to disputes arising out of recorded

13 contracts.

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15 §2247. Construction of Part

16 Nothing in this Part shall be construed to deprive any claimant, as defined in

17 this Part and who has complied with the notice and recordation requirements of **this**

18 **Part including** R.S. 38:2242(B), of his right of action on the bond furnished

19 pursuant to this Part, provided that ~~said~~ **the** action must be brought against the surety

20 or the contractor or both within one year from the registry of acceptance of the work

21 or of notice of default of the contractor; except that before any claimant having a

22 direct contractual relationship with a subcontractor but no contractual relationship

23 with the contractor shall have a right of action against the contractor or the surety on

24 the bond furnished by the contractor, he shall in addition to the notice and

25 recordation required in R.S. 38:2242(B) give written notice to said contractor within

26 forty-five days from the recordation of the notice of acceptance by the owner of the

27 work or notice by the owner of default, stating with substantial accuracy the amount

28 claimed and the name of the party to whom the material was furnished or supplied

29 or for whom the labor or service was done or performed. ~~Such notice~~ **Notice** shall

