

2020 Regular Session

HOUSE BILL NO. 758

BY REPRESENTATIVE ZERINGUE

PUBLIC CONTRACTS: Provides relative to payments under public contract

1 AN ACT

2 To amend and reenact R.S. 38:2191(C) and (D), relative to payment of obligations arising
3 under public contracts; to remove the waiver by contract exception applicable to
4 provisions governing payments under contract; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2191(C) and (D) are hereby amended and reenacted to read as
7 follows:

8 §2191. Payments under contract

9 * * *

10 ~~C. The provisions of this Section shall not be subject to waiver by contract.~~

11 D. C. Any public entity failing to make any progressive stage payments
12 arbitrarily or without reasonable cause, or any final payment when due as provided
13 in this Section, shall be subject to mandamus to compel the payment of the sums due
14 under the contract up to the amount of the appropriation made for the award and
15 execution of the contract, including any authorized change orders.

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 758 Original

2020 Regular Session

Zeringue

Abstract: Removes the waiver by contract exception applicable to provisions governing payments under contract.

Present law requires public entities to promptly pay obligations from public contracts and specifies that the provisions of present law are not subject to waiver by contract.

Proposed law removes the exception that public contracts not be subject to waiver by contract.

(Amends R.S. 38:2191(C) and (D))