

**SENATE COMMITTEE AMENDMENTS**

2022 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 1058 by Representative Hollis

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "R.S. 9:3198(A)(2)(a) and (3)" and insert "R.S. 9:3196 and  
3 3198(A)(2)(a) and (3)"

4 AMENDMENT NO. 2

5 On page 1, line 4, delete "restrictive covenants and"

6 AMENDMENT NO. 3

7 On page 1, line 5, delete "building restrictions" and insert "community documents"

8 AMENDMENT NO. 4

9 On page 1, line 7, delete "R.S. 9:3198(A)(2) and (3)" and insert "R.S. 9:3196 and  
10 3198(A)(2)(a) and (3)"

11 AMENDMENT NO. 5

12 On page 1, between lines 8 and 9 insert:

13        "§3196. Definitions

14            As used in this Chapter, the following terms have the meanings hereinafter  
15 ascribed to them:

16            (1) "Community documents" means the articles of incorporation, bylaws,  
17 plat, declarations, covenants, conditions, restrictions, rules and regulations, or other  
18 written instruments, including any amendment thereto, by which the association has  
19 the authority to exercise any of its powers to manage, maintain, or otherwise affect  
20 the association property or which otherwise govern the use of association property.

21            ~~(1)~~(2) "Known defect" means a condition found within the property that was  
22 actually known by the seller and that results in any of the following:

23            (a) Has a substantial adverse effect on the value of the property.

24            (b) Significantly impairs the health or safety of future occupants of the  
25 property.

26            (c) If not repaired, removed, or replaced, significantly shortens the expected  
27 normal life of the property.

28            ~~(2)~~(3) "Property disclosure document" means a document in a form  
29 prescribed by the Louisiana Real Estate Commission, or a form that contains at least  
30 the minimum language prescribed by the commission, which is presented by the  
31 seller to the purchaser in the manner set forth in R.S. 9:3198(B) and which discloses,  
32 at a minimum, known defects in the residential real property.

33            ~~(3)~~(4) "Purchaser" means a transferee or prospective transferee in any of the  
34 types of transactions described in R.S. 9:3197(A).

35            ~~(4)~~(5) "Real estate contract" means any written agreement, entered into prior  
36 to the perfection of the contract of sale or contract to lease or otherwise with an  
37 option to purchase, which relates to the sale, offer for sale, purchase, offer to  
38 purchase, lease with option to purchase, offer to lease with option to purchase, any  
39 other option to purchase, or any other offer which includes an option to purchase any  
40 residential real property or improvements thereon."

