

2024 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 80

BY REPRESENTATIVE FARNUM

CIVIL/LAW: Directs the La. State Law Institute to study the Private Works Act

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to study the Private Works Act and
3 provisions relative to protecting homeowners from claims when conducting home
4 improvement projects and protecting homeowners from having to pay twice for work
5 in order to avoid claims by unpaid claimants under the Private Works Act and report
6 its findings to the legislature no later than January 25, 2025.

7 WHEREAS, the Private Works Act, R.S. 9:4801 et seq., governs the rights of parties
8 to be paid when performing improvements on immovable property; and

9 WHEREAS, the Private Works Act applies to all construction projects in this state
10 and there may be a need to provide additional special protections for homeowners when
11 conducting residential improvement projects; and

12 WHEREAS, the protections that are available under the Private Works Act for
13 property owners are often not known to or practical for homeowners when conducting
14 residential improvement projects; and

15 WHEREAS, the Private Works Act only allows a homeowner to be relieved of
16 claims against him when the claims arise from the performance of a contract by a general
17 contractor for whom a bond is given and maintained as required by R.S. 9:4812 and when
18 notice of the contract with the bond is properly filed as required by R.S. 9:4811; and

19 WHEREAS, circumstances arise in which the homeowner has paid the contractor in
20 full, but because the homeowner does not have a bond and notice filed, the homeowner is
21 not relieved of claims against him.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 authorize and direct the Louisiana State Law Institute to study the Private Works Act relative
3 to the possibility of protecting a homeowner who conducts a residential improvement project
4 from having to pay twice for some or all of the work in order to avoid claims by unpaid
5 subcontractors, suppliers, laborers, and other claimants or in order to avoid or discharge
6 privileges asserted by such claimants against the homeowners, and report its findings no later
7 than January 25, 2025.

8 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
9 authorize and direct the Louisiana State Law Institute to include representatives of the
10 stakeholders impacted by the issues to be studied including but not limited to the Louisiana
11 Bankers Associations, ABC Louisiana, Louisiana AGC, Louisiana Homebuilders
12 Association, Louisiana Concrete Association, Louisiana Land Title Association,
13 representatives of suppliers, and homeowners, to the extent not already included in the study.

14 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
15 director of the Louisiana State Law Institute.

16 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
17 one copy and one electronic copy of any report produced pursuant to this Resolution to the
18 David R. Poynter Legislative Research Library as required by R.S. 24:772.

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)]

HCR 80 Reengrossed

2024 Regular Session

Farnum

Directs the La. State Law Institute to study provisions of the Private Works Act relative to protecting a homeowner from having to pay twice for work in order to avoid personal claims by unpaid claimants and to report its findings by Jan. 25, 2025.

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change the date from Nov. 15, 2024 to Jan. 25, 2025, for the La. State Law Institute to study and report its findings.