
SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Womack to Engrossed Senate Bill No. 265 by Senator Womack

1 AMENDMENT NO. 1

2 On page 1, line 13, after "C." insert "(1)"

3 AMENDMENT NO. 2

4 On page 1, line 15, after "provisions." delete the remainder of the line and insert "Except as
5 provided in R.S. 38:2241(C)(2), nothing in this Part shall be construed to"

6 AMENDMENT NO. 3

7 On page 2, between lines 7 and 8, insert the following:

8 "(2) The surety shall be obligated and required to issue payment to
9 materialman for claims by a materialman under the following conditions:

10 (a) The claim is for materials delivered in conformity with
11 material specifications provided in the order for such materials.

12 (b) No sooner than forty-five days after material delivery, a
13 materialman sends a notice of nonpayment to the general contractor,
14 surety, and the owner.

15 (c) The materialman has not been paid in full on or before ninety
16 days after material delivery.

17 (3) If the requirements of R.S. 38:2241(C)(2) are satisfied, the
18 surety shall pay a materialman within ten days after the materialman
19 sends a payment notice to the surety.

20 (4) The claim of a materialman and right to payment as provided
21 in R.S. 38:2241(C) is in addition to and not in derogation of any other
22 claims or remedies available to a materialman in this Part.

23 (5) Any notice required under R.S. 38:2241 shall be served by
24 mailing the same by registered or certified mail, postage prepaid, in an
25 envelope addressed to the last known address of the general contractor,
26 surety, and the owner. The return receipt indicating that registered mail
27 or certified mail was properly addressed to the last known address of the
28 general contractor, surety, and the owner and deposited in the United
29 States mail regardless of whether the registered or certified mail was
30 actually delivered, refused, or unclaimed satisfies the notice provision of
31 R.S. 38:2241."

32 AMENDMENT NO. 4

33 On page 2, at the beginning of line 15, insert "A."

34 AMENDMENT NO. 5

35 On page 3, line 1, after "Louisiana." delete the remainder of line and insert the following:

36 "Except as provided in R.S. 38:2247(B), nothing in"

37 AMENDMENT NO. 6

38 On page 3, between lines 5 and 6 insert the following:

39 "B. The surety shall be obligated and required to issue payment to a
40 materialman for claims by a materialman under the following conditions:

1 **(1) The claim is for materials delivered in conformity with material**
2 **specifications provided in the order for such materials.**

3 **(2) No sooner than forty-five days after material delivery, the a**
4 **materialman sends a notice of nonpayment to the general contractor, surety,**
5 **and the owner.**

6 **(3) A materialman has not been paid in full on or before ninety days**
7 **after material delivery.**

8 **C. If the requirements of R.S. 38:2247(B) are satisfied, the surety shall**
9 **pay the a materialman within ten days after the materialman sends a payment**
10 **notice to the surety.**

11 **D. The claim of a materialman and right to payment as provided in R.S.**
12 **38:2247(B) is in addition to and not in derogation of any other claims and**
13 **remedies available to a materialman in this Part.**

14 **E. Any notice required under R.S. 38:2247 shall be served by mailing the**
15 **same by registered or certified mail, postage prepaid, in an envelope addressed**
16 **to the last known address of the general contractor, surety, and the owner. The**
17 **return receipt indicating that registered mail or certified mail was properly**
18 **addressed to the last known address of the general contractor, surety, and the**
19 **owner and deposited in the United States mail regardless of whether the**
20 **registered or certified mail was actually delivered, refused, or unclaimed**
21 **satisfies the notice provision of R.S. 38:2247."**

22 AMENDMENT NO. 7

23 On page 3, line 10, after "B." insert "**(1)**"

24 AMENDMENT NO. 8

25 On page 3, line 12, after "provisions." delete the remainder of the line and insert "**Except**
26 **as provided in R.S. 48:256.3(B)(2), nothing in this Part shall be construed to"**

27 AMENDMENT NO. 9

28 On page 3, between lines 21 and 22, insert the following:

29 **"(2) The surety shall be obligated and required to issue payment to a**
30 **materialman for claims by a materialman under the following conditions:**

31 **(a) The claim is for materials delivered in conformity with material**
32 **specifications provided in the order for such materials.**

33 **(b) No sooner than forty-five days after material delivery, the**
34 **materialman sends a notice of nonpayment to the general contractor, surety,**
35 **and the owner.**

36 **(c) The materialman has not been paid in full on or before ninety days**
37 **after material delivery.**

38 **(3) If the requirements of R.S. 48:256.3(B)(2) are satisfied, the surety**
39 **shall pay the materialman within ten days after the materialman sends a**
40 **payment notice to the surety.**

41 **(4) The claim of a materialman and right to payment as provided in R.S.**
42 **48:256.3(B) is in addition to and not in derogation of any other claims and**
43 **remedies available to a materialman in this Part.**

44 **(5) Any notice required under R.S. 48:256.3 shall be served by mailing**
45 **the same by registered or certified mail, postage prepaid, in an envelope**
46 **addressed to the last known address of the general contractor, bond surety, and**
47 **the owner. The return receipt indicating that registered mail or certified mail**
48 **was properly addressed to the last known address of the general contractor,**
49 **surety, and the owner and deposited in the United States mail regardless of**
50 **whether the registered or certified mail was actually delivered, refused, or**
51 **unclaimed satisfies the notice provision of R.S.48:256.3."**

1 AMENDMENT NO. 10

2 On page 3, at the beginning of line 24, insert "A."

3 AMENDMENT NO. 11

4 On page 4, line 11, after "Louisiana." delete the remainder of the line and insert "Except as
5 provided in R.S. 48:256.12(B), nothing in this Part shall be construed to preclude"

6 AMENDMENT NO. 12

7 On page 4, between lines 14 and 15 insert the following:

8 "B. The surety shall be obligated and required to issue payment to
9 materialman for claims by a materialman under the following conditions:

10 (1) The claim is for materials delivered in conformity with material
11 specifications provided in the order for such materials.

12 (2) No sooner than forty-five days after material delivery, the
13 materialman sends a notice of nonpayment to the general contractor, surety,
14 and the owner.

15 (3) The materialman has not been paid in full on or before ninety days
16 after material delivery.

17 C. If the requirements of R.S. 48:256.12(B) are satisfied, the surety shall
18 pay the materialman within ten days after the materialman sends a payment
19 notice to the surety.

20 D. The claim of a materialman and right to payment as provided in R.S.
21 48:256.12(B) is in addition to and not in derogation of any other claims and
22 remedies available to a materialman in this Part.

23 E. Any notice required under R.S. 48:256.12 shall be served by mailing
24 the same by registered or certified mail, postage prepaid, in an envelope
25 addressed to the last known address of the general contractor, bond surety, and
26 the owner. The return receipt indicating that registered mail or certified mail
27 was properly addressed to the last known address of the general contractor,
28 surety, and the owner and deposited in the United States mail regardless of
29 whether the registered or certified mail was actually delivered, refused, or
30 unclaimed satisfies the notice provision of R.S. 48:256.12."