

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Miller to Engrossed Senate Bill No. 131 by Senator Miller

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S.9:4812(D)" insert "and to enact R.S. 9:4812(F)"

3 AMENDMENT NO. 2

4 On page 1, line 7, after "reenacted" insert "and R.S. 9:4812(F) is hereby enacted"

5 AMENDMENT NO. 3

6 On page 2, after line 1, insert the following:

7 **"F. (1) The payment provisions of all bonds furnished for public work**
8 **contracts described in this Part, regardless of form or content, shall be**
9 **construed as and deemed statutory bond provisions. Except as provided in R.S.**
10 **9:4812(F)(2), nothing in this Part shall be construed to preclude a surety from**
11 **asserting any defense to the principal obligation that its principal could assert**
12 **except lack of capacity or discharge in bankruptcy of the principal obligor. Any**
13 **such bond which fails to contain any of the requirements set forth in this Part**
14 **shall be deemed to incorporate all of the requirements set forth in this Section.**
15 **Language in any such bond containing any obligations beyond the requirements**
16 **set forth in this Part shall be deemed surplusage and read out of such bond.**
17 **Sureties and contractors executing payment bonds for public works contracts**
18 **under this Part shall be immune from liability for or payment of any claims not**
19 **required by this Part.**

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

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

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

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

29 **(3) If the requirements of R.S. 9:4812(F)(2) are satisfied, the surety shall**
30 **pay the materialman within ten days after the materialman sends a payment**
31 **notice to the surety.**

32 **(4) The claim of a materialman and right to payment as provided in this**
33 **Subsection is in addition to and not in derogation of any other claims or**
34 **remedies available to a materialman under this Part.**

35 **(5) Any notice required under R.S. 9:4812 shall be served by mailing the**
36 **same by registered or certified mail, postage prepaid, in an envelope addressed**
37 **to the last known address of the general contractor, bond surety, and the owner.**
38 **The return receipt indicating that registered mail or certified mail was properly**
39 **addressed to the last known address of the general contractor, surety, and the**
40 **owner and deposited in the United States mail regardless of whether the**

1 registered or certified mail was actually delivered, refused, or unclaimed
2 satisfies the notice provision of R.S. 9:4812.
3 * * *"