

SENATE BILL NO. 131

BY SENATOR MILLER

1 AN ACT

2 To enact R.S. 9:4812(F), relative to privileges on immovables; to provide relative to claims  
3 against owners and contractors; to provide relative to the furnishing and maintenance  
4 of bonds; to provide relative to the liability of sureties; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:4812(F) is hereby enacted to read as follows:

8 §4812. Bond required; terms and conditions

9 \* \* \*

10 **F.(1) Except as provided in Paragraph (2) of this Subsection, nothing in**  
11 **this Part shall be construed to preclude a surety from asserting any defense to**  
12 **the principal obligation that its principal could assert except lack of capacity or**  
13 **discharge in bankruptcy of the principal obligor.**

14 **(2) The surety shall be obligated and required to issue payment to a seller**  
15 **for claims by a seller under the following conditions:**

16 **(a) The claim is for the price of movables delivered in conformity with**  
17 **the specifications provided in the order for such movables.**

18 **(b) No sooner than forty-five days after delivery of the movables, the**  
19 **seller sends a notice of nonpayment to the general contractor, surety, and the**  
20 **owner.**

21 **(c) The seller has not been paid in full on or before ninety days after**  
22 **delivery of the movables.**

23 **(3) If the requirements of Paragraph (2) of this Subsection are satisfied,**  
24 **the surety shall pay the seller within ten days after the seller sends a payment**  
25 **notice to the surety.**

26 **(4) The claim of a seller and right to payment as provided in this**  
27 **Subsection is in addition to and not in derogation of any other rights, claims, or**

1 remedies available to a seller under this Part.  
2 (5) Any notice required under this Section shall be served by mailing the  
3 same by registered or certified mail, postage prepaid, in an envelope addressed  
4 to the last known address of the general contractor, surety, and the owner. The  
5 return receipt indicating that registered mail or certified mail was properly  
6 addressed to the last known address of the general contractor, surety, and the  
7 owner and deposited in the United States mail regardless of whether the  
8 registered or certified mail was actually delivered, refused, or unclaimed  
9 satisfies the notice provision of this Section.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_