

## RÉSUMÉ DIGEST

ACT 758 (SB 131)

2024 Regular Session

Miller

New law provides that except as provided in new law, nothing shall be construed to preclude a surety from asserting any defense to the principal obligation that its principal could assert except lack of capacity or discharge in bankruptcy of the principal obligor.

New law provides that the surety shall be obligated and required to issue payment to a seller for claims by a seller under the following conditions:

- (a) The claim is for the price of movables delivered in conformity with the specifications provided in the order for such movables.
- (b) No sooner than 45 days after delivery of the movables, the seller sends a notice of nonpayment to the general contractor, surety, and the owner.
- (c) The seller has not been paid in full on or before 90 days after delivery of the movables.

New law provides that if the requirements of new law are satisfied, the surety shall pay the seller for the price of the movables sold within 10 days after the seller delivers notice to the surety.

New law provides that the claim of a seller and right to payment as provided in new law is in addition to and not in derogation of any other rights, claims, or remedies available to a seller under new law.

New law provides that any notice required under new law shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the last known address of the general contractor, bond surety, and the owner.

New law provides that the return receipt indicating that registered mail or certified mail was properly addressed to the last known address of the general contractor, surety, and the owner and deposited in the U.S. mail regardless of whether the registered or certified mail was actually delivered, refused, or unclaimed satisfies the notice provision of new law.

Effective August 1, 2024.

(Adds R.S. 9:4812(F))