
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

SB 235 Engrossed

DIGEST
2026 Regular Session

Womack

Present law requires public entities to promptly pay all obligations arising under a public contract, including change orders, when the obligations are due and payable. Requires that if the public entity fails to make any progressive stage payment, without reasonable cause, within 45 days after receipt of a certified request for payment, the entity is liable for reasonable attorney fees and interest charged at 0.5% accumulated daily, not to exceed 15%.

Proposed law retains present law.

Present law requires that if the public entity fails to make final payment after formal final acceptance and within 45 days after receipt of a clear lien certificate, the entity is liable for reasonable attorney fees and interest charged at 0.5% accumulated daily, not to exceed 15%.

Proposed law retains present law.

Proposed law prohibits public entities from withholding liquidated damages contested by the contractor from any payments or monies otherwise due, provided that payment to the contractor does not prejudice a public entity's ability to assert a claim for liquidated damages against the contractor in an ordinary proceeding.

Proposed law provides that the prevailing party is entitled to recover reasonable attorney fees in connection with a public entity's claim for liquidated damages in an ordinary proceeding.

Proposed law provides that a public entity is entitled to interest on liquidated damages recovered charged at 0.5 % accumulated daily, not to exceed 15%, accruing from the date of payment by the public entity of contested liquidated damages.

Present law subjects public entities to mandamus for failing to make progressive stage payments arbitrarily or without reasonable cause, or any final payment when due. Present law provides that the mandamus compel the payment of amounts due under contract up to the appropriation made for the award and execution of the contract or change orders.

Proposed law adds that the mandamus compel the payment of attorney fees and accumulated interest to the contractor.

Proposed law provides that if a public entity prevails in a mandamus proceeding, the contractor is

liable for reasonable attorney fees.

Proposed law provides that any claim by a public entity to recover liquidated damages shall not be subject to the mandamus proceeding.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2191(C) - (E); Adds R.S. 38:2191(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Provide that the prevailing party is entitled to recover reasonable attorney fees in a public entity's claim for liquidated damages in an ordinary proceeding.
2. Authorize a public entity to claim interest on liquidated damages recovered.
3. Provide that if a public entity prevails in a mandamus proceeding, the contractor is liable for reasonable attorney fees.