

Regular Session, 2013

HOUSE BILL NO. 190

BY REPRESENTATIVE SCHEXNAYDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PRIVILEGES/LIENS: Provides relative to the Private Works Act

1 AN ACT

2 To amend and reenact R.S. 9:4822(G)(4), relative to the Private Works Act; to provide for
3 the preservation of claims and privileges; to provide for the content of a statement
4 of a claim or privilege; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:4822(G)(4) is hereby amended and reenacted to read as follows:

7 §4822. Preservation of claims and privileges

8 * * *

9 G. A statement of a claim or privilege:

10 * * *

11 (4) Shall set forth the amount and nature of the obligation giving rise to the
12 claim or privilege and reasonably itemize the elements comprising it including the
13 person for whom or to whom the contract was performed, material supplied, or
14 services rendered. The provisions of this Subsection shall not require a claimant to
15 attach copies of unpaid invoices unless the statement of claim or privilege
16 specifically states that the invoices are attached.

17 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

Schexnayder

HB No. 190

Abstract: Provides that a statement for the preservation of a claim or privilege under the Private Works Act shall reasonably itemize the elements comprising the claim or privilege and that unpaid invoices are not required to be attached.

Present law provides that if a notice of contract is properly and timely filed, the persons to whom a claim or privilege is granted shall, within 30 days after the filing of a notice of termination of the work, file a statement of their claims or privilege, and deliver to the owner a copy of the statement of claim or privilege.

Present law provides that a statement of a claim or privilege shall be in writing, shall be signed by the person asserting the same or his representative, shall reasonably identify the immovable with respect to which the work was performed or movables or services were supplied or rendered and the owner, and shall set forth the amount and nature of the obligation giving rise to the claim or privilege and reasonably itemize the elements comprising it, including the person for whom or to whom the contract was performed, material supplied, or services rendered.

Proposed law retains present law but specifies that the claimant is not required to attach copies of unpaid invoices unless the statement of claim or privilege specifically states that the invoices are attached.

(Amends R.S. 9:4822(G)(4))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Reinstated present law requirement of reasonably itemizing the elements comprising the claim or privilege.
2. Added provision specifying that unpaid invoices are not required to be attached to the statement of claim or privilege.