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HOUSE FLOOR AMENDMENTS

2020 Regular Session

Amendments proposed by Representative Zeringue to Engrossed House Bill No. 758 by Representative Zeringue

1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 2, delete "amend and reenact R.S. 38:2191(C)," and insert
3 "enact R.S. 38:2211(A)(14) and 2248(C),"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "contracts;" delete the remainder of the line and on line 4, delete
6 "governing payments under contract;" and insert the following:

7 "to allow public entities to withhold liquidated damages for public works contracts under
8 certain circumstances; to provide for definitions;"

9 AMENDMENT NO. 3

10 On page 1, delete lines 6 through 11 in their entirety and insert the following:

11 "Section 1. R.S. 38:2211(A)(14) and 2248(C) are hereby enacted to read as follows:

12 §2211. Definitions

13 A. As used in this Chapter unless the context clearly indicates otherwise, the
14 following terms shall mean:

15 * * *

16 (14) "Liquidated Damages" means a fixed sum of damages stipulated in a public
17 works construction contract that are intended to compensate a public entity as a result of a
18 delay in performance by the contractor and may be assessed for a project not being
19 substantially complete within the time provided for by the public works contract.

20 * * *

21 §2248. Provisions for withholding payment; effect on liability of contractor or agency;
22 punch list; liquidated damages

23 * * *

24 C. A public entity letting a public works construction contract, as per the terms of
25 the contract, may withhold liquidated damages from any payments or monies otherwise due
26 to the contractor, taking into consideration all granted time extensions."