

**GREEN SHEET REDIGEST**

**HB 758**

**2020 Regular Session**

**Zeringue**

**PUBLIC CONTRACTS: Provides relative to payments under public contract**

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DIGEST

Present law provides for definitions relative to public contracts.

Proposed law adds a definition for "liquidated damages".

Present law provides provisions for withholding payments for public works contracts.

Proposed law adds a provision allowing a public entity letting a public works construction contract to withhold liquidated damages from monies due to the contractor, after the expiration of the 45-day claim period for subcontractors, suppliers, and the like.

(Adds R.S. 38:2211(A)(14) and 2248(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Grant limited authority to waive prompt payment obligations by contract for liquidated or delay damages.

The House Floor Amendments to the engrossed bill:

1. Remove authority to waive prompt payment obligations by contract for liquidated or delay damages.
2. Define "liquidated damages".
3. Add a provision allowing a public entity letting a public works construction contract to withhold liquidated damages from monies due to the contractor.

Summary of Amendments Adopted by Senate

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

1. Provides that liquidated damages may be withheld until after the expiration of the 45-day period for subcontractors, suppliers, and the like to file a claim against the project.