AN ACT

To amend and reenact R.S. 38:2248(B), relative to public works contracts; to provide with
respect to substantial completion of public works; to provide for notice and
itemization of work to be performed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2248(B) is hereby amended and reenacted to read as follows:

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

* * *

B. All public works contracts shall contain a clause stating that any punch list
generated during a construction project shall include the cost estimates for the
particular items of work the design professional has developed based on the
mobilization, labor, material, and equipment costs of correcting each punch list item.
The design professional shall retain his working papers used to determine the punch
list items cost estimates should the matter be disputed later. The contracting agency
shall not withhold from payment more than the value of the punch list. Punch list
items completed shall be paid upon the expiration of the forty-five day lien period.
If the public entity occupies or uses the public works, the punch list shall be
furnished to the contractor within ten days of substantial completion as defined
in R.S. 38:2241.1 and may be amended by the design professional or the public
entity up to fourteen days after. The provisions of this Section shall not be subject
to waiver, nor shall these provisions apply to the Department of Transportation and
Development.

* * *

The original instrument was prepared by Lebra Bias. The following digest,
which does not constitute a part of the legislative instrument, was prepared
by Archana Cadge.

DIGEST
SB 429 Engrossed 2022 Regular Session Womack

Present law establishes provisions for withholding public works contractor payment.

Proposed law retains present law and provides that if the public entity occupies or uses the
public works, the punch list shall be furnished to the contractor within 10 days of substantial
completion and may be amended by the design professional or the public entity up to 14
days after.

Effective August 1, 2022.

(Amends R.S. 38:2248(B))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation,
Highways, and Public Works to the original bill

1. Provides if the public entity occupies or uses the public works, the punch list
   shall be furnished to the contractor within 10 days of substantial completion
   and may be amended by the design professional or the public entity up to 14
days after.

2. Changes statutory placement.