
SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 1058 by Representative Hollis

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 9:3198(A)(2)(a) and (3)" and insert "R.S. 9:3196 and 3198(A)(2)(a) and (3)"

AMENDMENT NO. 2

On page 1, line 4, delete "restrictive covenants and"

AMENDMENT NO. 3

On page 1, line 5, delete "building restrictions" and insert "community documents"

AMENDMENT NO. 4

On page 1, line 7, delete "R.S. 9:3198(A)(2) and (3)" and insert "R.S. 9:3196 and 3198(A)(2)(a) and (3)"

AMENDMENT NO. 5

On page 1, between lines 8 and 9 insert:

§3196. Definitions

As used in this Chapter, the following terms have the meanings hereinafter ascribed to them:

(1) "Community documents" means the articles of incorporation, bylaws, plat, declarations, covenants, conditions, restrictions, rules and regulations, or other written instruments, including any amendment thereto, by which the association has the authority to exercise any of its powers to manage, maintain, or otherwise affect the association property or which otherwise govern the use of association property.

~~(1)~~(2) "Known defect" means a condition found within the property that was actually known by the seller and that results in any of the following:

(a) Has a substantial adverse effect on the value of the property.

(b) Significantly impairs the health or safety of future occupants of the property.

(c) If not repaired, removed, or replaced, significantly shortens the expected normal life of the property.

~~(2)~~(3) "Property disclosure document" means a document in a form prescribed by the Louisiana Real Estate Commission, or a form that contains at least the minimum language prescribed by the commission, which is presented by the seller to the purchaser in the manner set forth in R.S. 9:3198(B) and which discloses, at a minimum, known defects in the residential real property.

~~(3)~~(4) "Purchaser" means a transferee or prospective transferee in any of the types of transactions described in R.S. 9:3197(A).

~~(4)~~(5) "Real estate contract" means any written agreement, entered into prior to the perfection of the contract of sale or contract to lease or otherwise with an option to purchase, which relates to the sale, offer for sale, purchase, offer to purchase, lease with option to purchase, offer to lease with option to purchase, any other option to purchase, or any other offer which includes an option to purchase any residential real property or improvements thereon.

1 ~~(5)~~(6) "Residential real property" means real property consisting of one or not
2 more than four residential dwelling units, which are buildings or structures each of
3 which are occupied or intended for occupancy as single family residences.
4 ~~(6)~~(7) "Seller" means an owner of residential real property, whether an
5 individual, partnership, corporation, or trust, who sells or attempts to sell residential
6 real property in a manner described in R.S. 9:3197(A).

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8 AMENDMENT NO. 6

9 On page 1, line 11, delete "homeowners' associations and"

10 AMENDMENT NO. 7

11 On page 1, line 12, delete "restrictive covenants" and insert "community documents"

12 AMENDMENT NO. 8

13 On page 1, line 18, delete "and whether the residential"

14 AMENDMENT NO. 9

15 On page 2, delete lines 1 and 2

16 AMENDMENT NO. 10

17 On page 2, line 6, delete "restrictive"

18 AMENDMENT NO. 11

19 On page 2, line 7, delete "convenants and building restrictions" and insert "community
20 documents"

21 AMENDMENT NO. 12

22 On page 2, line 10, delete "governing" and insert "community" and after "obtain" and before
23 "documents" insert "community"

24 AMENDMENT NO. 13

25 On page 2, line 11, delete "regarding any restrictive covenants and building restrictions"