

2022 Regular Session

HOUSE BILL NO. 703

BY REPRESENTATIVE GREGORY MILLER

1 AN ACT

2 To enact R.S. 9:2784.1, relative to repair contracts following a natural disaster; to provide
3 for venue for disputes arising from the contract; to provide for nullification of certain
4 terms; to provide for rescission of the contract; to provide for notice; to provide for
5 exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2784.1 is hereby enacted to read as follows:

8 §2784.1. Repair contracts entered into during a state of emergency; venue;
9 rescission

10 A. Notwithstanding any provision of the law to the contrary, any provision,
11 clause, covenant, or agreement contained in, collateral to, or affecting a disaster
12 repair contract which purports to require any proceeding involving a dispute over the
13 contract to be brought in a venue other than a venue provided by law is contrary to
14 the public policy of this state and is null, void, and unenforceable.

15 B.(1) The owner of residential property who enters into a disaster repair
16 contract may cancel the contract within ten days of entering into the contract.

17 (2) If a homeowner elects to cancel a contract pursuant to this Subsection,
18 he may do so by hand-delivering notice thereof to the contractor or by mailing notice
19 by United States mail to the contractor at his last known address, or to his agent for
20 service of process.

21 (3) Cancellation made pursuant to this Subsection shall be without penalty
22 and all payments made by the homeowner before cancellation shall be refunded

1 promptly. This contractor shall be entitled to payment for the cost of work
2 performed and materials ordered or delivered prior to cancellation, along with
3 reasonable overhead.

4 C.(1) This Section shall not apply to material suppliers or materialmen for
5 sales to the owner of the affected residential property or deliveries to the affected
6 residential property of materials ordered by a contractor or subcontractor even if the
7 repair contract is cancelled pursuant to Subsection B of this Section.

8 (2) This Section shall not affect proper venue for an action on an open
9 account, promissory note, or contract for sales of materials by a material supplier
10 or materialman to the owner of the residential property as provided in Code of Civil
11 Procedure Articles 74.4 and 76.1.

12 D. Nothing in this Section shall affect the rights of any party provided in
13 R.S. 9:4801 et seq. or R.S. 9:2781.

14 E. For purposes of this Section, "disaster repair contract" means a contract
15 or subcontract entered into during the six month period following the initial
16 declaration of a gubernatorially declared disaster or emergency following a natural
17 disaster for repairs to a residential property located in the emergency area and
18 affected by the natural disaster.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____