

Regular Session, 2011

ACT No. 184

HOUSE BILL NO. 378

BY REPRESENTATIVE ELLINGTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 38:2191, relative to public contracts; to provide for progressive
3 stage payments made under public contracts; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 38:2191 is hereby amended and reenacted to read as follows:

6 §2191. Payments under contract

7 A. All public entities shall promptly pay all obligations arising under public
8 contracts when the obligations become due and payable under the contract. All
9 progressive stage payments and final payments shall be paid when they respectively
10 become due and payable under the contract.

11 B. Any public entity failing to make any final payments after formal final
12 acceptance and within forty-five days following receipt of a clear lien certificate by
13 the public entity shall be liable for reasonable ~~attorneys~~ attorney fees.

14 C. The provisions of this Section shall not be subject to waiver by contract.

15 D. Any public entity failing to make any progressive stage payments
16 arbitrarily or without reasonable cause, or any final payment when due as provided
17 in this Section, shall be subject to mandamus to compel the payment of the sums due

1 under the contract up to the amount of the appropriation made for the award and
2 execution of the contract.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____