

Regular Session, 2013

HOUSE BILL NO. 190

BY REPRESENTATIVE SCHEXNAYDER

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

PRIVILEGES/LIENS: Provides relative to the Private Works Act

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AN ACT

To amend and reenact R.S. 9:4822(G)(4), relative to the Private Works Act; to provide for the preservation of claims and privileges; to provide for the content of a statement of a claim or privilege; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:4822(G)(4) is hereby amended and reenacted to read as follows:

§4822. Preservation of claims and privileges

\* \* \*

G. A statement of a claim or privilege:

\* \* \*

(4) Shall set forth the amount and nature of the obligation giving rise to the claim or privilege ~~and reasonably itemize the elements comprising it~~, including the person for whom or to whom the contract was performed, material supplied, or services rendered and a general description of the materials supplied or services rendered.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Schexnayder

HB No. 190

**Abstract:** Provides that a statement for the preservation of a claim or privilege under the Private Works Act shall contain a general description of the materials supplied or services rendered.

Present law provides that if a notice of contract is properly and timely filed, the persons to whom a claim or privilege is granted shall, within 30 days after the filing of a notice of termination of the work, file a statement of their claims or privilege, and deliver to the owner a copy of the statement of claim or privilege.

Present law provides that a statement of a claim or privilege shall be in writing, shall be signed by the person asserting the same or his representative, shall reasonably identify the immovable with respect to which the work was performed or movables or services were supplied or rendered and the owner, and shall set forth the amount and nature of the obligation giving rise to the claim or privilege and reasonably itemize the elements comprising it, including the person for whom or to whom the contract was performed, material supplied, or services rendered.

Proposed law retains present law, but replaces the requirement to itemize the elements comprising the claim or privilege with the requirement to provide a general description of the materials supplied or services rendered.

(Amends R.S. 9:4822(G)(4))