

SENATE BILL NO. 316

BY SENATOR DONAHUE

1 AN ACT

2 To amend and reenact R.S. 38:2191(B) and (D), relative to public contracts; to provide with
3 respect to progressive stage payments made under public contracts; to provide with
4 respect to payment of change orders made under public contracts; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2191(B) and (D) are hereby amended and reenacted to read as
8 follows:

9 §2191. Payments under contract

10 * * *

11 B. Any public entity failing to make any progressive stage payment
12 within forty-five days following receipt of a certified request for payment by the
13 public entity without reasonable cause shall be liable for reasonable attorney
14 fees. Any public entity failing to make any final payments after formal final
15 acceptance and within forty-five days following receipt of a clear lien certificate by
16 the public entity shall be liable for reasonable attorney fees.

17 * * *

18 D. Any public entity failing to make any progressive stage payments
19 arbitrarily or without reasonable cause, or any final payment when due as provided
20 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, **including any authorized change orders.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____