The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon Lyles.

DIGEST

SB 354 Engrossed 2016 Regular Session Cortez

Present law, relative to contracts of the DOTD, provides for plan changes that may be negotiated.

Proposed law adds that plan changes within the scope of the contract are not required to be recorded in the office of the recorder of mortgages in the parish where the work is performed.

Present law provides for final acceptance or partial acceptance of work performed under contract and for recordation of a final acceptance or partial acceptance of any specified area of the work upon completion.

Proposed law defines "partial acceptance" to mean the determination by DOTD made after final inspection of a portion of the project that the contractor has satisfactorily completed a portion of the project and that such portion may be used advantageously by traffic or for other use.

Present law provides for payment of attorney fees by DOTD to the contractor if the DOTD fails to make final payment or neglects to promptly ascertain final quantities under the contract in bad faith and a mandamus to perform such acts is required for the contractor to receive all monies due and owed the contractor under the contract.

Proposed law repeals present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 48:252(B)(7)(b) and 256.4; repeals R.S. 48:251.5(B)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Removes provisions that proposed to add that any provision that waives, releases, or extinguishes the rights to recover the cost of damages or to obtain equitable adjustment for delays in performing a contract, if delay is caused in whole or in part, by acts or omissions in control of the DOTD are not applicable to negotiated plan changes that settle, resolve, or conclude a dispute, or release or extinguish a claim to recover the cost of damages or an equitable adjustment for such delays.