

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 348

2019 Regular Session

Bourriaque

TRANSPORTATION DEPT: Provides relative to public-private partnerships

Synopsis of Senate Amendments

1. Deletes the provision that authorized that the comprehensive agreement include provisions under which the authority may retain liability for damages arising out of injuries or property damage to third parties, in the event that the qualifying transportation facility, or portions thereof, are determined to be uninsurable for such damages.
2. Adds authorization for the comprehensive agreement to contain provisions for the authority to retain liability for damages arising from personal injury or property damage to third parties occurring on an existing state-owned highway or transportation facility, or portions thereof.

Digest of Bill as Finally Passed by Senate

Present law requires that the comprehensive agreement incorporate the duties of the private entity under present law and authorizes the agreement to contain other terms and conditions that the authority and responsible public entity determine serve the public purpose of present law.

Present law specifies that the comprehensive agreement may contain, without limitation, provisions under which the authority agrees to provide notice of default and cure rights for the benefit of the private entity and the parties providing financing for the qualifying transportation facility and other lawful terms and conditions to which the private entity, the authority, and the responsible public entity mutually agree to, including provisions regarding unavoidable delays.

Proposed law adds that the comprehensive agreement may also contain provisions for the authority to retain liability for damages arising from personal injury or property damage to third parties occurring on an existing state-owned highway or transportation facility, or portions thereof.

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

(Amends R.S. 48:250.4(A) and 2084.6(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Specify that the authority may retain liability for damages arising out of injuries or property damage to third parties in the event that the qualifying transportation facility, or portions thereof, are determined to be uninsurable for such damages.