

2019 Regular Session

HOUSE BILL NO. 348

BY REPRESENTATIVE BOURRIAQUE

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

TRANSPORTATION DEPT: Provides relative to public-private partnerships

1 AN ACT

2 To amend and reenact R.S. 48:250.4(A) and 2084.6(D), relative to public-private
3 partnerships; to permit an authority to include in its comprehensive agreement a
4 provision that allows the authority to retain liability for damages to third parties; to
5 provide an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 48:250.4(A) and 2084.6(D) are hereby amended and reenacted to
8 read as follows:

9 §250.4. Public-private partnership projects

10 A. Notwithstanding any law to the contrary or the requirements of this Part,
11 if the secretary determines it is in the best interest of the taxpayers, the Department
12 of Transportation and Development, with approval of the House and Senate
13 transportation, highways, and public works committees, may solicit proposals for
14 and enter into contracts for public-private partnership projects for a transportation
15 facility, ~~provided the~~ The department shall comply with the provisions of R.S.
16 48:2084 through 2084.15 that are applicable to public-private partnership projects
17 of the Louisiana Transportation Authority. ~~However, and the provisions of~~ R.S.
18 48:256.3 and 48:256.5 ~~shall be applicable in the same manner as any other~~
19 ~~department projects.~~

20 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §2084.6. Public-private partnership projects; comprehensive agreement

2 * * *

3 D. The comprehensive agreement shall incorporate the duties of the private
4 entity under this Chapter and may contain other terms and conditions that the
5 authority and responsible public entity determine serve the public purpose of this
6 Chapter. Without limitation, the comprehensive agreement may contain the
7 following:

8 (1) ~~provisions~~ Provisions under which the authority agrees to provide notice
9 of default and cure rights for the benefit of the private entity and the parties
10 providing financing for the qualifying transportation facility.

11 (2) ~~The comprehensive agreement may contain other~~ Other lawful terms and
12 conditions to which the private entity, the authority, and the responsible public entity
13 mutually agree to, including provisions regarding unavoidable delays.

14 (3) Provisions under which the authority may retain liability for damages
15 arising out of injuries or property damage to third parties, in the event that the
16 qualifying transportation facility, or portions thereof, are determined to be
17 uninsurable for such damages.

18 * * *

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

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)]

HB 348 Engrossed 2019 Regular Session Bourriaque

Abstract: Authorizes a comprehensive agreement for public-private partnership projects to contain a provision allowing an authority to retain liability for damages arising out of injuries or property damage to third parties under certain circumstances.

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 retains present law and adds that the comprehensive agreement may also contain 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.

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.