

ACT No. 92

2020 Regular Session

HOUSE BILL NO. 758

BY REPRESENTATIVE ZERINGUE

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AN ACT

To enact R.S. 38:2211(A)(14) and 2248(C), relative to payment of obligations arising under public contracts; to allow certain public entities to withhold liquidated damages for public works contracts under certain circumstances; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2211(A)(14) and 2248(C) are hereby enacted to read as follows:

§2211. Definitions

A. As used in this Chapter unless the context clearly indicates otherwise, the following terms shall mean:

* * *

(14) "Liquidated Damages" means a fixed sum of damages stipulated in a public works construction contract that are intended to compensate a public entity as a result of a delay in performance by the contractor and may be assessed for a project not being substantially complete within the time provided for by the public works contract.

* * *

§2248. Provisions for withholding payment; effect on liability of contractor or agency; punch list; liquidated damages

* * *

C. Notwithstanding any provision of law to the contrary, a public entity letting a public works construction contract for a flood protection project or for an integrated coastal protection project as defined in R.S. 49:214.2, as per the terms of

1 the contract, may withhold liquidated damages from any payments or monies
2 otherwise due to the contractor, taking into consideration all granted time extensions,
3 after the expiration of the forty-five day period set forth in R.S. 38:2242(B).

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____