

Regular Session, 2010

HOUSE BILL NO. 806

BY REPRESENTATIVE TIM BURNS

PRIVILEGES/LIENS: Provides relative to notice of lis pendens under the Private Works Act

1 AN ACT

2 To enact R.S. 9:4833(F), relative to the recordation of certain notices under the Private
3 Works Act; to provide for the filing of claims, privileges, and notices of lis pendens;
4 to provide for a prescriptive period; to provide for reinscription; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:4833(F) is hereby enacted to read as follows:

8 §4833. Request to cancel the inscription of claims and privileges; cancellation; lis
9 pendens

10 * * *

11 F. If a notice of lis pendens identifying the suit required to be filed by R.S.
12 9:4823 is filed within one year after the date of filing the statement claim or privilege
13 as set forth in Subsection E of this Section, the effect of the filing of the statement
14 of claim or privilege and the privilege preserved by it shall cease as to third persons
15 when the lis pendens ceases to have effect pursuant to Code of Civil Procedure
16 Article 3752(B), unless reinscribed in the manner provided therein. The effect of
17 reinscription shall cease for the statement of claim or privilege, and the lis pendens
18 filed to preserve it five years after the request for reinscription is filed.

19 Section 2. This Act shall become effective August 15, 2010, and shall apply to all
20 statements of claims or privileges filed prior to August 15, 2010, except that any statement

1 of claim or privilege filed before that date that would have otherwise terminated by the terms
2 of this Act shall continue for an additional five years from reinscription if the reinscription
3 occurs before August 15, 2010.

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)]

Tim Burns

HB No. 806

Abstract: Provides for the effective period for the filing and reinscription of a notice of lis pendens filed pursuant to the Private Works Act.

Present law provides for the filing of claims and privileges under the Private Works Act and requires the filing of an action within one year in order to preserve the claim or privilege.

Proposed law provides that if a notice of lis pendens identifying the suit is filed within one year after the date of filing the statement claim or privilege, the effect of the filing of the statement of claim or privilege shall cease as to third persons when the lis pendens ceases to have effect, unless the lis pendens is reinscribed. The effect of reinscription shall cease five years after the reinscription.

Proposed law provides that proposed law shall become effective Aug. 15, 2010, and shall apply to all statements of claims or privileges filed prior to Aug. 15, 2010, except that any statement of claim or privilege filed before that date that would have otherwise terminated by the terms of proposed law shall continue for an additional five years from reinscription if the reinscription occurs before Aug. 15, 2010.

(Adds R.S. 9:4833(F))