Regular Session, 2012

### SENATE BILL NO. 420

BY SENATOR MARTINY AND REPRESENTATIVE HUNTER

1	AN ACT
2	To amend and reenact R.S. 9:2780.1(A)(2)(a) and (D), to enact R.S. 9:2780.1(G) and (H),
3	and to repeal Section 2 of Act No. 492 of the 2010 Regular Session of the
4	Legislature, relative to contract provisions; to provide relative to motor carrier
5	transportation contracts; to provide for application of certain laws; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 9:2780.1(A)(2)(a) and (D) are hereby amended and reenacted and
9	R.S. 9:2780.1(G) and (H) are hereby enacted to read as follows:
10	§2780.1. Certain contract provisions invalid; motor carrier transportation contracts;
11	construction contracts
12	A. For purposes of this Section, the following terms have the meanings
13	ascribed to them by this Subsection, except where the context clearly indicates
14	otherwise:
15	* * *
16	(2)(a) "Construction contract" shall mean any agreement for the design,
17	construction, alteration, renovation, repair, or maintenance of a building, structure,
18	highway, road, bridge, water line, sewer line, oil line, gas line, appurtenance, or other
19	improvement to real property, or repair or maintenance of a highway, road, or
20	bridge, including any moving, demolition, or excavation, except that no deed, lease,
21	easement, license, or other instrument granting an interest in or the right to possess
22	property will be deemed to be a construction contract even if the instrument includes
23	the right to design, construct, alter, renovate, repair, or maintain improvements on
24	such real property.
25	* * *

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

#### **SB NO. 420**

#### **ENROLLED**

1	D. Notwithstanding any contractual provision to the contrary, the laws of the
2	state of Louisiana this Section shall apply to and govern any construction contract
3	to be performed in this state and any motor carrier transportation contract relative to
4	loading or unloading activities, or any services incidental thereto, which occur in this
5	state. Any provision, covenant, or clause in such contracts which conflicts with the
6	provisions of this Section shall be null, void, and unenforceable.
7	* * *
8	<b>G. Nothing in this Section shall prohibit a motor vehicle operator from</b>
9	securing uninsured motorist coverage.
10	H. Nothing in this Section shall prohibit any employee from recovering
11	damages, compensation, or benefits under workers' compensation laws or any
11 12	<u>damages, compensation, or benefits under workers' compensation laws or any</u> other claim or cause of action.
12	other claim or cause of action.
12 13	other claim or cause of action. Section 2. Section 2 of Act No. 492 of the 2010 Regular Session of the Legislature
12 13 14	other claim or cause of action. Section 2. Section 2 of Act No. 492 of the 2010 Regular Session of the Legislature is hereby repealed.
12 13 14 15	other claim or cause of action. Section 2. Section 2 of Act No. 492 of the 2010 Regular Session of the Legislature is hereby repealed. Section 3. The provisions of this Act and the provisions of the Act which originated
12 13 14 15 16	other claim or cause of action. Section 2. Section 2 of Act No. 492 of the 2010 Regular Session of the Legislature is hereby repealed. Section 3. The provisions of this Act and the provisions of the Act which originated as Senate Bill No. 693 of the 2012 Regular Session of the Legislature shall have prospective
12 13 14 15 16 17	other claim or cause of action.   Section 2. Section 2 of Act No. 492 of the 2010 Regular Session of the Legislature   is hereby repealed.   Section 3. The provisions of this Act and the provisions of the Act which originated   as Senate Bill No. 693 of the 2012 Regular Session of the Legislature shall have prospective   application only.

# PRESIDENT OF THE SENATE

### SPEAKER OF THE HOUSE OF REPRESENTATIVES

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_