

ACT No. 358

2019 Regular Session

HOUSE BILL NO. 348

BY REPRESENTATIVE BOURRIAQUE

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§250.4. Public-private partnership projects

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

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§2084.6. Public-private partnership projects; comprehensive agreement

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

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

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

12 (3) Provisions for the authority to retain liability for damages arising from
 13 personal injury or property damage to third parties occurring on an existing state-
 14 owned highway or transportation facility, or portions thereof.

15 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____