

Regular Session, 2010

HOUSE BILL NO. 763

BY REPRESENTATIVE GARY SMITH

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

1 AN ACT

2 To amend and reenact R.S. 9:4822(K)(1), relative to notices under the Private Works Act;  
3 to require notice of a lien under certain circumstances; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:4822(K)(1) is hereby amended and reenacted to read as follows:

7 §4822. Preservation of claims and privileges

8 \* \* \*

9 K.(1) Any person to whom a privilege is granted by R.S. 9:4802 ~~may~~ shall  
10 give notice to the owner of an obligation to that person arising out of the  
11 performance of work under the contract. The notice shall be given prior to:

12 (a) The filing of a notice of termination of the work; or

13 (b) The substantial completion or abandonment of the work, if a notice of  
14 termination is not filed.

15 \* \* \*

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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)]

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Gary Smith

HB No. 763

**Abstract:** Requires that the owner receive notice of a lien under the Private Works Act prior to the recording of the lien.

Present law authorizes, but does not require, any person to whom a privilege is granted by the Private Works Act (R.S. 9:4802) to give notice to the owner of an obligation to that person arising out of the performance of work under the contract. Provides that the notice shall be given prior to the filing of a notice of termination of the work, or prior to the substantial completion or abandonment of the work, if a notice of termination is not filed.

Present law provides that if notice has been given by a person to the owner under present law, the owner is required to notify that person within three days of filing a notice of termination of the work, or the substantial completion or abandonment of the work, if a notice of termination is not filed.

Present law provides that the owner shall be liable for all costs and attorney fees for the establishment and enforcement of the claim or privilege if he fails to give notice to the person as required by present law within 10 days of commencement of the period for preservation of claims and privileges.

Proposed law retains present law but requires the person to whom a privilege is granted by R.S. 4802 to provide notice to the owner of an obligation to that person arising out of the performance of work under the contract.

(Amends R.S. 9:4822(K)(1))