

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2773

By: Cox

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 defining term; requiring registration of contractors;
9 requiring certain surety bond from contractors;
10 stating amount of such bond; allowing for certain
11 variances in amount of sureties; providing penalties;
12 providing for codification; and providing an
13 effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1000.8 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

18 A. As used in this section, "contractor" means all prime and
19 general contractors, subcontractors, independent contractors, and
20 persons engaged in contract labor, who through negotiations or
21 competitive bidding, enter into contracts to furnish labor,
22 materials, or both and who have the required equipment to perform
23 the contract for a fixed price and who in pursuit of independent
24 business undertake a job in whole or in part retaining substantial
control of the method and manner of accomplishing the desired

1 result. "Contractor" also means any person, firm, joint venture,
2 partnership, copartnership, association, corporation, or other
3 organization engaged in the business of the construction,
4 alteration, repairing, dismantling, or demolition of buildings,
5 single-family residences, or multifamily residences. The term
6 "contractor" shall not include the state or any agency, institution,
7 or political subdivision of the state or any duly constituted
8 authority of a political subdivision.

9 B. Beginning November 1, 2008, and each November 1 thereafter,
10 every contractor in this state as defined in subsection A of this
11 section shall register with the Construction Industries Board. Each
12 year a fee of Twenty-five Dollars (\$25.00) shall be paid to the
13 Board by the contractor at the time of registration. The list of
14 registered contractors shall be made open to the public upon
15 request.

16 C. Every contractor, including those in the position of
17 subcontractor, before actually commencing work or undertaking to
18 perform any services or duties under any contract, shall make a
19 onetime filing to the Construction Industries Board a surety bond
20 with a surety authorized to do business in this state, in the penal
21 sum of Five Thousand Dollars (\$5000.00), payable to the State of
22 Oklahoma, or, in lieu of a surety bond, cash or negotiable bonds or
23 other obligations of the United States of America, the State of
24 Oklahoma or its subdivisions, provided that:

1 1. If a contractor receives another contract to perform
2 services or duties in this state or if, in the judgment of the
3 Construction Industries Board, the amount of the cost incurred or to
4 be incurred under the contract is increased from the amount used to
5 compute the amount of the original bond, the amount of the bond
6 shall be increased to meet the requirements set forth in this
7 subsection; and

8 2. The amount of such cost may be reduced by the amount of the
9 cost incurred or to be incurred by contractors in the position of
10 subcontractors, who actually post bonds on their subcontracts, by a
11 prime contractor, and the Construction Industries Board shall notify
12 the contractor of its findings.

13 D. Any person who violates subsection B or C of this section,
14 upon conviction, shall be guilty of a felony punishable by a fine
15 not to exceed Ten Thousand Dollars (\$10,000.00), or confinement in a
16 correctional institution not to exceed five (5) years, or both such
17 fine and imprisonment.

18 SECTION 2. This act shall become effective November 1, 2008.

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20 51-2-9609 LRB 12/18/07

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