

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR ENGROSSED

5 SENATE BILL NO. 536

By: Coates and Leftwich of the  
Senate

6 and

7 Liebmann of the House

8  
9 SUBCOMMITTEE RECOMMENDATION

10 An Act relating to Fair Pay for Construction Act;  
11 amending Section 7, Chapter 256, O.S.L. 2004, as  
12 amended by Section 5, Chapter 92, O.S.L. 2005, and as  
13 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61  
14 O.S. Supp. 2008, Section 227), which relates to  
15 application of act; updating statutory references;  
16 deleting certain exceptions; and providing an  
17 effective date.

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

19 SECTION 1. AMENDATORY Section 7, Chapter 256, O.S.L.  
20 2004, as amended by Section 5, Chapter 92, O.S.L. 2005, and as  
21 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61 O.S. Supp.  
22 2008, Section 227), is amended to read as follows:

23 Section 227. A. 1. ~~This act~~ Section 221 et seq. of this title  
shall not apply to:

24 a. highway construction,

1           b.     railroad construction, or

2           c.     turnpike construction.

3           2.     Except as the following may be a portion of a construction  
4 contract as defined in Section 2 222 of this ~~act~~ title, ~~this act~~ the  
5 Fair Pay for Construction Act shall not apply to:

6           a.     roads,

7           b.     bridges,

8           c.     utilities,

9           ~~d.~~    traffic control, or

10          ~~e.~~

11          d.    drainage construction,

12          ~~f.~~    sanitary sewer construction, ~~or~~

13          ~~g.~~    waterline construction.

14          3.     ~~This act~~ The Fair Pay for Construction Act shall not apply  
15 to any contract relating to a single-, two-, three-, or four-family  
16 dwelling.

17          B.     The following are against the public policy of this state  
18 and are void and unenforceable:

19           1.     A provision, covenant, clause or understanding in,  
20 collateral to or affecting a construction contract that makes the  
21 contract subject to the laws of another state or that requires any  
22 litigation, arbitration or other dispute resolution proceeding  
23 arising from the contract to be conducted in another state; and

1        2. A provision, covenant, clause or understanding in,  
2 collateral to or affecting a construction contract that disallows or  
3 alters the rights of any prime contractor, subcontractor, sub-  
4 subcontractor, or material supplier to receive and enforce any and  
5 all rights under ~~this act~~ the Fair Pay for Construction Act.

6        SECTION 2. This act shall become effective November 1, 2009.

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8        52-1-7528            CJB            03/30/09

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