

1 ENGROSSED SENATE
2 BILL NO. 1948

By: Coates of the Senate

3 and

4 Martin (Scott) of the House

5
6 An Act relating to the Fair Pay for Construction Act;
7 amending Section 2, Chapter 256, O.S.L. 2004, as last
8 amended by Section 1, Chapter 92, O.S.L. 2005 and as
9 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61
O.S. Supp. 2009, Section 222), which relates to
definitions; modifying definitions; and providing an
effective date.

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

12 SECTION 1. AMENDATORY Section 2, Chapter 256, O.S.L.
13 2004, as last amended by Section 1, Chapter 92, O.S.L. 2005 and as
14 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61 O.S. Supp.
15 2009, Section 222), is amended to read as follows:

16 Section 222. As used in the Fair Pay for Construction Act:

17 1. "Construction contract" means a written contract or
18 subcontract awarded by an owner or contracting entity for the
19 purpose of making any public improvements or constructing any public
20 building or making repairs to or performing maintenance on the same;

21 2. "Material supplier" means any entity that supplies
22 materials, services, or equipment to be used in conjunction with the
23 performance of work on a construction contract;

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1 3. "Prime contractor" means any entity that has a direct
2 contract with an owner to perform work under a construction
3 contract, and includes, but is not limited to, a licensed architect
4 or licensed professional engineer;

5 4. "Owner" means any state government entity, municipality,
6 township, public trust or an instrumentality of a state government
7 entity, municipality, township or public trust in this state, or any
8 entity designated by the owner to act on the owner's behalf, that
9 requests work to be performed by a contractor under a construction
10 contract;

11 5. "Proper invoice" means a request for payment or partial
12 payment based on work performed on a construction contract;

13 6. "Retainage" means the difference between a gross proper
14 invoice amount on a construction contract and the amount paid on
15 said contract;

16 7. "Subcontractor" means any entity that has a direct contract
17 with a prime contractor to perform a portion of the work under a
18 construction contract, and includes, but is not limited to, a
19 licensed architect or licensed professional engineer; and

20 8. "Sub-subcontractor" means any entity that has a direct
21 contract with another subcontractor to perform a portion of the work
22 under a construction contract, and includes, but is not limited to,
23 a licensed architect or licensed professional engineer.

24 SECTION 2. This act shall become effective November 1, 2010.

