

1 ENGROSSED SENATE  
2 BILL NO. 2236

By: Coates and Johnson  
(Constance) of the Senate

3 and

4 Jones of the House  
5  
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7 An Act relating to construction projects; creating  
8 the Construction Project Information Sharing Act;  
9 providing short title; authorizing the Construction  
10 Industries Board to develop Internet-based  
11 information sharing website for certain purpose;  
12 requiring certain consent to participate in website;  
13 stating purpose of information sharing; stating who  
14 may participate; requiring terms and condition  
15 agreement for participation; stating purpose and  
16 authority of certain agreement; prohibiting inclusion  
17 of information without consent of certain persons;  
18 requiring certain security provisions for access;  
19 prohibiting public access to certain information;  
20 allowing limited public access under certain  
21 conditions; requiring a project code for certain  
22 purpose; directing posting of certain notice at  
23 commencement of project; stating information to be  
24 posted to certain account during duration of project;  
allowing notice of completion to be publically  
posted; construing completion of project; allowing  
preliminary lien notices to be posted; limiting  
effect of preliminary lien notice; making preliminary  
lien notices invalid as official notice; allowing  
amendments to posted information; prohibiting  
overwriting original information when amended;  
authorizing all subcontractors to participate in  
information sharing; prohibiting requirement for  
subcontractors to participate; authorizing automatic  
prompts for certain purposes; allowing alternative  
notifications; granting civil immunity for certain  
information; requiring certain statement be included  
in certain agreement; authorizing the Construction  
Industries Board to charge a fee; requiring fee be  
established and disclosed in certain agreement;

1 providing for codification; providing an effective  
2 date; and declaring an emergency.

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

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3000 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8 This act shall be known and may be cited as the "Construction  
9 Project Information Sharing Act".

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3000.1 of Title 59, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. The Construction Industries Board is authorized to develop  
14 an Internet-based information sharing website to record and publish  
15 specific information about construction projects with the consent of  
16 all parties to the construction project contract.

17 B. The information sharing website shall be designed to provide  
18 the participating parties with an easy way to stay informed on the  
19 status of their construction project, the dates for delivery of  
20 materials, services and equipment to the project, indications when  
21 payments may be due, and other pertinent information during the  
22 duration of the individual project. The consenting parties may  
23 include, but shall not be limited to, the participating architects,  
24 investors, owners, real estate developers, general contractors,

1 subcontractors, sub-subcontractors, lenders, legal counsel, persons  
2 who provide goods, services and/or equipment for the construction  
3 project, and other parties designated in the terms and conditions  
4 agreement for participation in the information sharing website.

5 C. Each party to the construction project shall be required to  
6 affirm or sign a terms and conditions agreement which shall  
7 authorize the Construction Industries Board or its agent to post the  
8 construction project information on the Internet-based information  
9 sharing website under a secure project code account number, and  
10 further to authorize the receiving and transmission of information  
11 from each participating party on the project through an individual  
12 project account. No construction project may be included on the  
13 information sharing website without the consent of the real property  
14 owner and the general contractor for the construction project. The  
15 website shall have sufficient security provisions to only allow the  
16 participating parties to access their individual project account.  
17 The public shall not have access to any project detail page, project  
18 code, or individual account. The public may have access to the  
19 address or location of a construction project, the name and address  
20 of the general contractor for that project, and the dates of  
21 commencement and completion of the project, if the parties to the  
22 construction project have agreed to participate in the information  
23 sharing website. Individual projects shall be given a project code  
24 for access to the website individual account page, and only the

1 participating parties under that project code shall be able to  
2 access and review or enter information to that account. When the  
3 parties to a construction project agree to participate in the  
4 information sharing website and the project is commenced, a Notice  
5 of Commencement shall be posted publically on the website, and in  
6 addition, the notice shall be posted to the individual project code  
7 account. Periodically during the completion of the project, other  
8 information may be posted to the individual project account,  
9 including, but not limited to, dates of issuance of permits; dates  
10 of delivery of materials, services or equipment; names and addresses  
11 of persons providing materials, services or equipment; dates of  
12 invoices or requests for payment; dates for inspections; inspection  
13 reports; lender inquiries; financing status; preliminary lien  
14 statements; and the occupancy permit or Notice of Completion. The  
15 Notice of Completion shall be posted publically when the project is  
16 subject to an information sharing agreement, and in addition, the  
17 notice shall be posted to the individual project code account. A  
18 project shall be deemed completed upon the issuance of an occupancy  
19 permit or the actual completion of the project, whichever is first.

20 D. Preliminary lien notices may also be posted to an individual  
21 project account with the consent of all participating parties to the  
22 information sharing agreement, but nothing in the posting of any  
23 preliminary lien notice under this act shall be construed to have  
24 the force or effect of law relating to preliminary lien or lien

1 notices required by law. Preliminary lien notices filed in  
2 individual project accounts pursuant to the provisions of this act  
3 shall not be valid as official lien notice.

4 SECTION 3. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 3000.2 of Title 59, unless there  
6 is created a duplication in numbering, reads as follows:

7 Any party that has agreed to participate in the construction  
8 project information sharing website may file modifications and  
9 amendments to the scope of the project or to any previously posted  
10 information on the individual account page at anytime. Amendments  
11 shall be appended to a project's data, and therefore the data  
12 contained in an original posting shall not be overwritten.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3000.3 of Title 59, unless there  
15 is created a duplication in numbering, reads as follows:

16 All subcontractors and suppliers providing services, materials  
17 and/or equipment to a construction project where the general  
18 contractor and owners are participating in the construction project  
19 information sharing website may also participate in the information  
20 sharing website by affirming or signing a terms and condition  
21 agreement for participation and access to the individual project  
22 account code; provided, however, no subcontractor or sub-  
23 subcontractor shall be required to participate in the information  
24 sharing website.

1           SECTION 5.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3000.4 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. The Construction Industries Board may design the  
5 construction project information sharing website to automatically  
6 prompt participating parties when information is posted to,  
7 transmitted, or amended in their individual project account. In  
8 addition, the Board may provide alternative methods for notifying  
9 participants of posted and transmitted information; provided,  
10 however, the Board, and its employees, agents, officers, and  
11 assigns, shall not be liable for, and are granted immunity from  
12 civil liability for, any information posted to, transmitted by, or  
13 for failure to post or deliver any information by, the website,  
14 individual account holders or alternative methods.

15           B. The terms and conditions agreement for participation in the  
16 information sharing website shall contain a statement informing all  
17 participating parties that participation in the construction project  
18 information sharing website is strictly voluntary, and due to the  
19 Internet being regarded as a nonsecure information source, all  
20 participating parties should decide whether the risks and benefits  
21 of sharing information for the construction project are acceptable  
22 before agreeing to participate in the information sharing website.

23           C. The Construction Industries Board may charge a reasonable  
24 fee for establishing a construction project individual account page.

1 The fee shall be established annually by the Board and disclosed in  
2 the terms and conditions agreement.

3 SECTION 6. This act shall become effective July 1, 2010.

4 SECTION 7. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

8 Passed the Senate the 4th day of March, 2010.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
13 2010.

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Presiding Officer of the House  
of Representatives

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