

1 ENGROSSED SENATE  
2 BILL NO. 536

By: Coates and Leftwich of the  
Senate

3 and

4 Liebmann of the House

5  
6  
7 [ Fair Pay for Construction Act - updating statutory  
8 references -

9 effective date ]

10

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

12 SECTION 1. AMENDATORY Section 7, Chapter 256, O.S.L.  
13 2004, as amended by Section 5, Chapter 92, O.S.L. 2005, and as  
14 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61 O.S. Supp.  
15 2008, Section 227), is amended to read as follows:

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

- 18 a. highway construction,  
19 b. railroad construction, or  
20 c. turnpike construction.

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

- 24 a. roads,

- b. bridges,
- c. ~~utilities,~~
- d. ~~traffic control, or~~
- e.
- d. ~~drainage construction,~~
- f. ~~sanitary sewer construction, or~~
- g. ~~waterline construction.~~

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

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

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

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

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

