

ESB 2236

THE HOUSE OF REPRESENTATIVES
Thursday, April 8, 2010

ENGROSSED
Senate Bill No. 2236
As Amended

ENGROSSED SENATE BILL NO. 2236 - By: COATES AND JOHNSON (CONSTANCE)
of the Senate and JONES of the House.

[Construction Project Information Sharing Act - authorizing the Construction
Industries Board to develop Internet-based information sharing website for
certain purpose - authorizing the Construction Industries Board to charge a
fee – codification - effective date –

emergency]

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

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

4 This act shall be known and may be cited as the “Construction Project Information
5 Sharing Act”.

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

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

4 B. The information sharing website shall be designed to provide the participating
5 parties with an easy way to stay informed on the status of their construction project, the
6 dates for delivery of materials, services and equipment to the project, indications when
7 payments may be due, and other pertinent information during the duration of the
8 individual project. The consenting parties may include, but shall not be limited to, the
9 participating architects, investors, owners, real estate developers, general contractors,
10 subcontractors, sub-subcontractors, lenders, legal counsel, persons who provide goods,
11 services and/or equipment for the construction project, and other parties designated in
12 the terms and conditions agreement for participation in the information sharing website.

13 C. Each party to the construction project shall be required to affirm or sign a terms
14 and conditions agreement which shall authorize the Construction Industries Board or its
15 agent to post the construction project information on the Internet-based information
16 sharing website under a secure project code account number, and further to authorize the
17 receiving and transmission of information from each participating party on the project
18 through an individual project account. No construction project may be included on the
19 information sharing website without the consent of the real property owner and the
20 general contractor for the construction project. The website shall have sufficient security
21 provisions to only allow the participating parties to access their individual project
22 account. The public shall not have access to any project detail page, project code, or

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

21 D. Preliminary lien notices may also be posted to an individual project account with
22 the consent of all participating parties to the information sharing agreement, but nothing

1 in the posting of any preliminary lien notice under this act shall be construed to have the
2 force or effect of law relating to preliminary lien or lien notices required by law.
3 Preliminary lien notices filed in individual project accounts pursuant to the provisions of
4 this act shall not be valid as official lien notice.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

18 C. The Construction Industries Board may charge a reasonable fee for establishing
19 a construction project individual account page. The fee shall be established annually by
20 the Board and disclosed in the terms and conditions agreement.

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

1 SECTION 7. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
5 FINANCIAL SERVICES, dated 04-07-10 - DO PASS, As Amended.