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THE STATE SENATE  
Monday, February 22, 2010

Senate Bill No. 1948

SENATE BILL NO. 1948 - By: Coates of the Senate and Martin (Scott) of the House.

An Act relating to the Fair Pay for Construction Act; amending Section 2, Chapter 256, O.S.L. 2004, as last amended by Section 1, Chapter 92, O.S.L. 2005 and as 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.

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

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

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

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

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

3. "Prime contractor" means any entity that has a direct contract with an owner to perform work under a construction

1 contract, and includes, but is not limited to, a licensed architect  
2 or licensed professional engineer;

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

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-8-10 -  
24 DO PASS, As Coauthored.