

SB 536

Senate Bill No. 536
As Amended

SENATE BILL NO. 536 - By: Coates and Leftwich of the Senate and Liebmann of the House.

[Fair Pay for Construction Act - updating statutory references - effective date]

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

SECTION 1. AMENDATORY Section 7, Chapter 256, O.S.L.

2004, as amended by Section 5, Chapter 92, O.S.L. 2005, and as renumbered by Section 6, Chapter 92, O.S.L. 2005 (61 O.S. Supp. 2008, Section 227), is amended to read as follows:

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

- a. highway construction,
- b. railroad construction, or
- c. turnpike construction.

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

- a. roads,
- b. bridges,
- c. ~~utilities,~~

- 1 ~~d.~~ traffic control, or
- 2 ~~e.~~
- 3 d. drainage construction,
- 4 ~~f.~~ sanitary sewer construction, ~~or~~
- 5 ~~g.~~ waterline construction.

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

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-9-09 -
23 DO PASS, As Amended and Coauthored.