

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1948

By: Coates

4
5
6 AS INTRODUCED

7 An Act relating to the Fair Pay for Construction Act;
8 amending Section 2, Chapter 256, O.S.L. 2004, as last
9 amended by Section 1, Chapter 92, O.S.L. 2005 and as
10 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.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 2, Chapter 256, O.S.L.
15 2004, as last amended by Section 1, Chapter 92, O.S.L. 2005 and as
16 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61 O.S. Supp.
17 2009, Section 222), is amended to read as follows:

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

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

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

4 3. "Prime contractor" means any entity that has a direct
5 contract with an owner to perform work under a construction
6 contract, and includes, but is not limited to, a licensed architect
7 or licensed professional engineer;

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

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

16 6. "Retainage" means the difference between a gross proper
17 invoice amount on a construction contract and the amount paid on
18 said contract;

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

23 8. "Sub-subcontractor" means any entity that has a direct
24 contract with another subcontractor to perform a portion of the work

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

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

4
5 52-2-3039 TEK 2/3/2010 7:08:13 PM

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24