

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 536

By: Coates

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5
6 AS INTRODUCED

7 An Act relating to Fair Pay for Construction Act;
8 amending Section 7, Chapter 256, O.S.L. 2004, as
9 amended by Section 5, Chapter 92, O.S.L. 2005, and as
10 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61
11 O.S. Supp. 2008, Section 227), which relates to
12 application of act; updating statutory references;
13 deleting certain exceptions; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY Section 7, Chapter 256, O.S.L.
17 2004, as amended by Section 5, Chapter 92, O.S.L. 2005, and as
18 renumbered by Section 6, Chapter 92, O.S.L. 2005 (61 O.S. Supp.
19 2008, Section 227), is amended to read as follows:

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

- 22 a. highway construction,
23 b. railroad construction, or
24 c. turnpike construction.

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

- 4 a. roads,
- 5 b. bridges,
- 6 c. ~~utilities,~~
- 7 ~~d.~~ traffic control, or
- 8 ~~e.~~
- 9 d. drainage construction,
- 10 ~~f.~~ ~~sanitary sewer construction, or~~
- 11 ~~g.~~ ~~waterline construction.~~

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

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

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

22 2. A provision, covenant, clause or understanding in,
23 collateral to or affecting a construction contract that disallows or
24 alters the rights of any prime contractor, subcontractor, sub-

1 subcontractor, or material supplier to receive and enforce any and
2 all rights under ~~this act~~ the Fair Pay for Construction Act.

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