

1 ENGROSSED HOUSE
2 BILL NO. 1075

By: Newell of the House

and

Jolley of the Senate

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7 An Act relating to public construction contracts;
8 amending 61 O.S. 2001, Section 113.1, as amended by
9 Section 19, Chapter 271, O.S.L. 2006 (61 O.S. Supp.
10 2010, Section 113.1), which relates to partial
11 payment and retainage; modifying requirements related
12 to retainage; modifying provisions related to
13 reduction of retained amounts; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 61 O.S. 2001, Section 113.1, as
17 amended by Section 19, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2010,
18 Section 113.1), is amended to read as follows:

19 Section 113.1 A. A public construction contract shall provide
20 for partial payment based upon work completed. The contract shall
21 provide that up to ~~ten percent (10%)~~ five percent (5%) of all
22 partial payments made shall be withheld as retainage. ~~At any time~~
23 ~~the contractor has completed in excess of fifty percent (50%) of the~~
24 ~~total contract amount, the retainage shall be reduced to five~~
~~percent (5%) of the amount earned to date if the owner or owner's~~

1 ~~duly authorized representative has determined that satisfactory~~
2 ~~progress is being made, and upon approval by the surety.~~

3 B. The Department of Transportation or the Oklahoma Turnpike
4 Authority shall not withhold retainage on public construction
5 contracts awarded by the Department or the Authority.

6 C. The Department of Transportation shall not withhold
7 retainage or require any bond on projects awarded to railroads on
8 the railroad's privately owned or operated rail property.

9 SECTION 2. This act shall become effective November 1, 2011.

10 Passed the House of Representatives the 17th day of March, 2011.

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14 Presiding Officer of the House of
Representatives

15 Passed the Senate the ____ day of _____, 2011.

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19 Presiding Officer of the Senate

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