

An Act

ENROLLED HOUSE
BILL NO. 1075

By: Newell of the House

and

Jolley of the Senate

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

SUBJECT: Public construction contracts

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

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

Section 113.1 A. A public construction contract shall provide for partial payment based upon work completed. The contract shall provide that up to ~~ten percent (10%)~~ five percent (5%) of all partial payments made shall be withheld as retainage. ~~At any time the contractor has completed in excess of fifty percent (50%) of the total contract amount, the retainage shall be reduced to five percent (5%) of the amount earned to date if the owner or owner's duly authorized representative has determined that satisfactory progress is being made, and upon approval by the surety.~~

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

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

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

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

Presiding Officer of the House of
Representatives

Passed the Senate the 18th day of April, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____