

1 ENGROSSED HOUSE  
2 BILL NO. 2231

By: Wallace, Newell, Osborn,  
Kirby, Moore, Sanders and  
Morrissette of the House

3  
4 and

Newberry of the Senate

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7  
8 [ liens - creating the Oklahoma Construction Registry  
9 Act - effective date ]  
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 160.1 of Title 42, unless there  
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Oklahoma  
18 Construction Registry Act". The owner or project general contractor  
19 may choose to use the Construction Registry. Once a project is  
20 registered, all project providers shall register, and any provider  
21 who does not register shall forfeit all rights to file a lien or  
22 collect on a bond.  
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1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 160.2 of Title 42, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. As used in the Oklahoma Construction Registry Act:

5           1. "Administrator" means the Secretary of State or designee;

6           2. "Construction Registry" means a centralized electronic  
7 database maintained by the administrator that provides a central  
8 repository for the submission and management of notices of  
9 commencement of work on a commercial construction project;

10          3. "Construction Registry Number" (CRN) means the unique number  
11 assigned by the administrator for each construction project  
12 registered on the Construction Registry. This number shall be used  
13 to associate all data to a project;

14          4. "General contractor" (GC) means the person or entity that  
15 directly contracts with the owner for the construction or  
16 construction management of an owner's project. For purposes of this  
17 act, the term general contractor (GC) encompasses construction  
18 managers including construction manager at risk (CMR) and  
19 construction manager of agency (CMA);

20          5. "Owner" means the property owner or the owner's  
21 representative who has a legal right to contract with providers for  
22 services and materials for a construction project; and

1           6. "Provider" means any person or entity, other than employees,  
2 who furnishes labor, services, materials or rental equipment on a  
3 construction project.

4           B. Nothing in this act shall apply to residential construction  
5 projects. "Residential" means a single-family or multifamily  
6 project of four or fewer dwelling units.

7           SECTION 3.        NEW LAW        A new section of law to be codified  
8 in the Oklahoma Statutes as Section 160.3 of Title 42, unless there  
9 is created a duplication in numbering, reads as follows:

10           The administrator of the Construction Registry shall:

11           1. Employ personnel and procure supplies and equipment as may  
12 be necessary to carry out and implement the requirements of the  
13 Oklahoma Construction Registry Act;

14           2. Promulgate rules and prescribe forms to implement the  
15 provisions of this act;

16           3. Contract with any company to develop the data system  
17 necessary to accomplish the requirements of the act; and

18           4. Administer any provision of the act through the use of the  
19 Internet or other technology as deemed necessary or appropriate.

20           SECTION 4.        NEW LAW        A new section of law to be codified  
21 in the Oklahoma Statutes as Section 160.4 of Title 42, unless there  
22 is created a duplication in numbering, reads as follows:

23           A. The owner or general contractor may register the project  
24 within ten (10) business days after the contract signing date or the

1 start of construction, whichever occurs first. Any project that is  
2 not registered within the prescribed time shall not be afforded the  
3 benefits of the Oklahoma Construction Registry Act and shall be  
4 subject to the current lien laws of the state. The administrator  
5 shall assign a Construction Registry Number to the project upon  
6 registration. The Construction Registry Number shall be provided in  
7 every contract with subcontractors or subcontractors of  
8 subcontractors. Any person or entity acquiring materials, services,  
9 labor or rental equipment from any provider on a project that has  
10 been assigned a Construction Registry Number shall furnish the  
11 provider with that Construction Registry Number.

12 B. The owner or general contractor shall provide the following  
13 information to the administrator:

14 1. The owner's name, physical and mailing address, name of  
15 contact person, name of project if any, email address and telephone  
16 number;

17 2. The architect, physical and mailing address, name of contact  
18 person, email address and telephone number;

19 3. The general contractor, physical and mailing address, name  
20 of contact person, email address and telephone number;

21 4. The project's street address or the project's legal  
22 description or the parcel number when available; and

23 5. The bond information to include name of issuer and bond  
24 number if project is bonded.

1 C. When the owner or general contractor elects not to register  
2 or fails to register a project on the Construction Registry within  
3 the time allowed in subsection A of this section the project shall  
4 default to the current lien and bond law.

5 SECTION 5. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 160.5 of Title 42, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. In order to preserve its lien rights, a provider shall  
9 register on the Construction Registry each project assigned a  
10 Construction Registry Number for which that provider is furnishing  
11 materials, labor, services or rental equipment. A provider may  
12 register at any time during the construction project. Registration  
13 is required only one time for each project. However, any provider  
14 who may furnish labor, services, materials or rental equipment to  
15 more than one entity on a project shall register each entity to  
16 which it is providing the labor, services, materials or rental  
17 equipment. Registration by any provider using the Construction  
18 Registry shall preserve the lien rights of that provider for  
19 activity up to sixty (60) days prior to the date of registration  
20 through the completion date of the project. Registration by  
21 provider eliminates the pre-lien notice requirement in Section 142.6  
22 of Title 42 of the Oklahoma Statutes. The registration shall  
23 contain all of the following information:

- 24 1. The Construction Registry Number;

1           2. The provider's name, mailing address, physical address,  
2 email address, telephone number and contact person;

3           3. The date of first supply of materials, labor, services or  
4 rental equipment by the provider if the provider has done so at the  
5 time of registration; and

6           4. Any other information required by the administrator pursuant  
7 to rule.

8           B. At the time a provider first registers on the Construction  
9 Registry, the administrator shall electronically send notification  
10 to the owner, general contractor, and confirmation notice to the  
11 provider and shall docket the notice on the Construction Registry as  
12 prescribed by the administrator pursuant to rule. Confirmation of  
13 registration shall be provided at no cost to any registrant.  
14 Registry subscription shall facilitate the registering entity to  
15 obtain reporting on all filings for any project on which the entity  
16 is a registrant.

17           C. A provider who fails to register in the time provided for in  
18 subsection A of this section shall forfeit that provider's lien and  
19 bond rights for that time period under the lien and bonding laws of  
20 the state on a private construction project or to proceed against a  
21 contractor's bond on a public or private construction project. Any  
22 provider who has properly registered under the Oklahoma Construction  
23 Registry Act shall retain all lien rights and bond rights, and the  
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1 provider shall not be required to give the pre-lien notice required  
2 in Section 142.6 of Title 42 of the Oklahoma Statutes.

3 SECTION 6. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 160.6 of Title 42, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The following are the maximum fees for each posting to the  
7 Construction Registry and review by any party that is not registered  
8 on the project:

9 1. Project registration \$10.00

10 After a project is registered, the owner and general contractor  
11 may review at no additional charge.

12 2. Provider registration \$5.00

13 The provider shall register each additional entity to whom  
14 they sell on the project \$2.00

15 After a provider is registered, the provider may review at no  
16 additional charge.

17 3. Nonregistered party's review \$10.00

18 4. The administrator may, by rule, establish a subscription fee  
19 system for a provider in lieu of the above individual fees.

20 B. All monies collected by the administrator for registration  
21 fees shall be deposited to the Oklahoma Construction Registry  
22 Revolving Fund created by Section 7 of this act. These funds shall  
23 be used by the administrator to implement, administer and maintain  
24 the Oklahoma Construction Registry Act. Payment may be made to the

1 administrator in the same manner as other fees are paid to the  
2 administrator.

3 SECTION 7. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 160.7 of Title 42, unless there  
5 is created a duplication in numbering, reads as follows:

6 There is hereby created in the State Treasury a revolving fund  
7 for the administrator to be designated the "Oklahoma Construction  
8 Registry Revolving Fund". The fund shall be a continuing fund, not  
9 subject to fiscal year limitations, and shall consist of monies from  
10 registration fees and any other monies collected pursuant to the  
11 Oklahoma Construction Registry Act. All monies accruing to the  
12 credit of the fund are hereby appropriated and may be budgeted and  
13 expended by the administrator for implementation, administration and  
14 maintenance of the Oklahoma Construction Registry Act. Expenditures  
15 from the fund shall be made upon warrants issued by the State  
16 Treasurer against claims filed as prescribed by law with the  
17 Director of the Office of Management and Enterprise Services for  
18 approval and payment. This fund shall be subject to and comply with  
19 the provisions of Section 211 of Title 62 of the Oklahoma Statutes.

20 SECTION 8. This act shall become effective July 1, 2016.  
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1 Passed the House of Representatives the 10th day of March, 2015.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

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9 Presiding Officer of the Senate