

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 4130

By: Roberts (Sean)

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5
6 AS INTRODUCED

7 An Act relating to liens; amending 42 O.S. 2011,
8 Section 143, as amended by Section 2, Chapter 78,
9 O.S.L. 2013 (42 O.S. Supp. 2019, Section 143), which
10 relates to a lien by or through subcontractor;
11 disallowing the filing of certain subcontractor
12 liens; and providing an effective date.

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

14 SECTION 1. AMENDATORY 42 O.S. 2011, Section 143, as
15 amended by Section 2, Chapter 78, O.S.L. 2013 (42 O.S. Supp. 2019,
16 Section 143), is amended to read as follows:

17 Section 143. Any A. Except as provided in subsection B of this
18 section, any person who shall furnish any such material or lease or
19 rent equipment used on said land or perform such labor as a
20 subcontractor, or as an artisan or day laborer in the employ of the
21 contractor, may obtain a lien upon such land, or improvements, or
22 both, from the same time, in the same manner, and to the same extent
23 as the original contractor, for the amount due for such material,
24 equipment and labor, as well as any applicable profit and overhead

1 costs due to the person; and any artisan or day laborer in the
2 employ of, and any person furnishing material or equipment used on
3 said land to, such subcontractor may obtain a lien upon such land,
4 or improvements, or both, for the same time, in the same manner, and
5 to the same extent as the subcontractor, for the amount due for such
6 material, equipment used on said land and labor, as well as any
7 applicable profit and overhead costs due to the person, by filing
8 with the county clerk of the county in which the land is situated,
9 within ninety (90) days after the date upon which material or
10 equipment used on said land was last furnished or labor last
11 performed under such subcontract, a statement, verified by
12 affidavit, setting forth the amount due from the contractor to the
13 claimant, and the items thereof, as nearly as practicable, the name
14 of the owner, the name of the contractor, the name of the claimant,
15 and a legal description of the property upon which a lien is
16 claimed. Immediately upon the filing of such statement the county
17 clerk shall enter a record of the same against the tract index and
18 in the journal provided for in the preceding section, and in the
19 manner therein specified. Provided further, that the owner of any
20 land affected by such lien shall not thereby become liable to any
21 claimant for any greater amount than he or she contracted to pay the
22 original contractor. The risk of all payments made to the original
23 contractor shall be upon such owner until the expiration of the
24 ninety (90) days herein specified, and no owner shall be liable to

1 an action by such contractor until the expiration of said ninety
2 (90) days, and such owner may pay such subcontractor the amount due
3 him or her from such contractor for such labor, equipment used on
4 said land and material, and the amount so paid shall be held and
5 deemed a payment of said amount to the original contractor.

6 B. The provisions of subsection A of this section shall not
7 allow a subcontractor to file a lien on residential property or
8 land.

9 SECTION 2. This act shall become effective November 1, 2020.

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