

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2150

By: West (Kevin)

COMMITTEE SUBSTITUTE

An Act relating to public building and public works;  
amending 61 O.S. 2021, Section 227, which relates to  
the Fair Pay for Construction Act; adding exemption;  
requiring return of retainage to contractor; and  
providing an effective date.

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

SECTION 1. AMENDATORY 61 O.S. 2021, Section 227, is  
amended to read as follows:

Section 227. A. 1. This act shall not apply to:

- a. highway construction,
- b. railroad construction, ~~or~~
- c. turnpike construction, or
- d. municipal road construction.

2. Except as the following may be a portion of a construction  
contract as defined in Section ~~2~~ 222 of this ~~act~~ title, this act  
shall not apply to:

- a. roads,

- b. bridges,
- c. utilities,
- d. traffic control,
- e. drainage construction,
- f. sanitary sewer construction, or
- g. waterline construction.

3. This act shall not apply to any contract relating to a single-, two-, three-, or four-family dwelling.

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

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

2. A provision, covenant, clause or understanding in, collateral to or affecting a construction contract that disallows or alters the rights of any prime contractor, subcontractor, sub-subcontractor, or material supplier to receive and enforce any and all rights under this act.

C. Effective November 1, 2023, any and all current retainage on road contracts shall be returned to the contractor.

SECTION 2. This act shall become effective November 1, 2023.

59-1-7513 JL 02/16/23