

1 ENGROSSED HOUSE
2 BILL NO. 2150

By: West (Kevin) of the House

3 and

4 Rogers of the Senate

5
6
7 An Act relating to public building and public works;
8 amending 61 O.S. 2021, Section 227, which relates to
9 the Fair Pay for Construction Act; adding exemption;
10 requiring return of retainage to contractor; and
11 providing an effective date.

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

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

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

- 16 a. highway construction,
17 b. railroad construction, ~~or~~
18 c. turnpike construction, or
19 d. municipal road construction.

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

- 23 a. roads,
24 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.

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

1 Passed the House of Representatives the 9th day of March, 2023.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2023.

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Presiding Officer of the Senate