

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4347

By: Moore

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6 AS INTRODUCED

7 An Act relating to mechanics liens; amending 42 O.S.
8 2021, Section 143, which relates to liens by or
9 through subcontractors; updating language and
10 outline; requiring original contractor to pay
11 property owner's attorney fees and costs when
12 subcontractor obtains lien on property if property
13 owner paid original contractor and original
14 contractor failed to pay subcontractor; and providing
15 an effective date.

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

17 SECTION 1. AMENDATORY 42 O.S. 2021, Section 143, is
18 amended to read as follows:

19 Section 143. A. 1. Any person who shall furnish any such
20 material or lease or rent equipment used on said land or perform
21 such labor as a subcontractor, or as an artisan or day laborer in
22 the employ of the contractor, may obtain a lien upon such land, or
23 improvements, or both, from the same time, in the same manner, and
24 to the same extent as the original contractor, for the amount due
for such material, equipment and labor, as well as any applicable
profit and overhead costs due to the person; and any artisan or day

1 laborer in the employ of, and any person furnishing material or
2 equipment used on said land to, such subcontractor may obtain a lien
3 upon such land, or improvements, or both, for the same time, in the
4 same manner, and to the same extent as the subcontractor, for the
5 amount due for such material, equipment used on said land and labor,
6 as well as any applicable profit and overhead costs due to the
7 person, by filing with the county clerk of the county in which the
8 land is situated, within ninety (90) days after the date upon which
9 material or equipment used on said land was last furnished or labor
10 last performed under such subcontract, a statement, verified by
11 affidavit, setting forth the amount due from the contractor to the
12 claimant, and the items thereof, as nearly as practicable, the name
13 of the owner, the name of the contractor, the name of the claimant,
14 and a legal description of the property upon which a lien is
15 claimed.

16 2. 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 and in the manner provided for in ~~the preceding~~
19 ~~section, and in the manner therein specified. Provided further,~~
20 ~~that the~~ Section 142 of this title.

21 B. 1. The owner of any land affected by such lien shall not
22 ~~thereby~~ become liable to any claimant for any ~~greater~~ amount greater
23 than he or she contracted to pay the original contractor.

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1 2. The risk of all payments made to the original contractor
2 shall be upon such owner until the expiration of the ninety (90)
3 days ~~herein specified~~, and no owner shall be liable to an action by
4 such contractor until the expiration of said ninety (90) days, and
5 such owner may pay such subcontractor the amount due him or her from
6 such contractor for such labor, equipment used on said land and
7 material, and the amount so paid shall be held and deemed a payment
8 of said amount to the original contractor.

9 3. If such owner paid the original contractor the full amount
10 he or she contracted to pay and the original contractor failed to
11 pay the claimant from said contracted amount, the original
12 contractor shall pay to such owner any attorney fees and costs
13 incurred as a result of the claimant obtaining a lien on such land.

14 SECTION 2. This act shall become effective November 1, 2026.
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