

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                           1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2150

By: West (Kevin) of the House

and

**Rogers** of the Senate

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10                                   COMMITTEE SUBSTITUTE

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

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

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

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

- 20                   a.    highway construction,  
21                   b.    railroad construction, ~~or~~  
22                   c.    turnpike construction, or  
23                   d.    municipal road construction.

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

- 4           a. roads,
- 5           b. bridges,
- 6           c. utilities,
- 7           d. traffic control,
- 8           e. drainage construction,
- 9           f. sanitary sewer construction, or
- 10          g. waterline construction.

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

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

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

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

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

3            SECTION 2. This act shall become effective November 1, 2023.  
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5 COMMITTEE REPORT BY: COMMITTEE ON RURAL DEVELOPMENT, dated  
6 02/20/2023 - DO PASS, As Amended and Coauthored.  
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