

1 ENGROSSED HOUSE
2 BILL NO. 3359

By: Echols and McBride of the
House

3 and

4 Jolley of the Senate

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8 [liens - creating the Oklahoma Construction Registry
9 Act - effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 160.1 of Title 42, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Oklahoma
18 Construction Registry Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 160.2 of Title 42, unless there
21 is created a duplication in numbering, reads as follows:

22 A. As used in the Oklahoma Construction Registry Act:

23 1. "Administrator" means the Secretary of State or designee;
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1 2. "Construction registry" means a centralized electronic
2 database maintained by the administrator that provides a central
3 repository for the submission and management of notices of
4 commencement of work on a commercial construction project;

5 3. "Construction registry number" (CRN) means the unique number
6 assigned by the administrator for each construction project
7 registered on the construction registry. This number shall be used
8 to associate all data to a project;

9 4. "Provider" means every person who provides services
10 including rental equipment or furnishes materials for a construction
11 project;

12 5. "Owner" means the property owner or their representative who
13 has a legal right to contract with providers for services and
14 materials for a construction project; and

15 6. "Residential construction project" means a single family or
16 multifamily project of four or fewer dwelling units, none of which
17 are occupied by an owner.

18 B. Nothing in the Oklahoma Construction Registry Act shall
19 apply to a residential construction project as defined in paragraph
20 6 of subsection A of this section.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 160.3 of Title 42, unless there
23 is created a duplication in numbering, reads as follows:

24 The administrator of the Oklahoma construction registry shall:

1 1. Employ personnel and procure supplies and equipment as may
2 be necessary to carry out and implement the requirements of the
3 Oklahoma Construction Registry Act;

4 2. Promulgate rules and prescribe forms to implement the
5 provisions of the Oklahoma Construction Registry Act;

6 3. Contract with any company to develop the data system
7 necessary to accomplish the requirements of the Oklahoma
8 Construction Registry Act; and

9 4. Administer any provision of the Oklahoma Construction
10 Registry Act through the use of the Internet or other technology as
11 deemed necessary or appropriate.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 160.4 of Title 42, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The owner shall designate the owner, the architect or the
16 general contractor to initially register the project on the
17 construction registry. The construction registry administrator
18 shall assign a construction registry number (CRN).

19 B. The owner or owner designee shall provide the following
20 information to the construction registry administrator:

21 1. The owner's name, address, name of contact person, e-mail
22 address and telephone number;

23 2. The architect, address, name of contact person, e-mail
24 address and telephone number;

1 3. The general contractor, address, name of contact person, e-
2 mail address and telephone number;

3 4. The project's street address; and

4 5. The project's legal description.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 160.5 of Title 42, unless there
7 is created a duplication in numbering, reads as follows:

8 A. All providers shall register on the construction registry
9 under the construction registry number (CRN) for the construction
10 project. A provider may register anytime during the term of the
11 project. Registration shall only be required one time for each
12 project. Registration using the CRN covers a period of time fifteen
13 (15) business days prior to the date of actual registration to the
14 completion of the project. Registration replaces the pre-lien
15 notice requirement in Section 142.6 of Title 42 of the Oklahoma
16 Statutes. The registration shall contain all of the following
17 information:

18 1. The construction registry number;

19 2. The provider's name, address, e-mail address, telephone
20 number and contact person;

21 3. The provider's name, telephone number, e-mail address and
22 address of the person who contracted with the provider for the
23 furnishing of the labor, service, equipment or material;

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1 4. The date the material or materials were first furnished or
2 the labor was first performed by the provider; and

3 5. Any other information required by the administrator pursuant
4 to rule.

5 B. At the time a provider first registers on the construction
6 registry, the administrator shall electronically send notification
7 to the property owner, general contractor, and confirmation notice
8 to the provider and shall docket the notice on the construction
9 registry as prescribed by the administrator pursuant to rule. Upon
10 request, the administrator shall provide an affidavit of notice at
11 no cost to any registrant.

12 C. A provider who fails to register pursuant to this section
13 shall not be entitled to file a lien under the lien laws of the
14 state on a private construction project or to proceed against a
15 contractor's bond on a public construction project. Any provider
16 who has properly registered under the Oklahoma Construction Registry
17 Act and who has not received payment for their services or materials
18 within thirty-five (35) days of the last service performed or
19 material delivered, shall retain all lien law rights and bond
20 rights. Provided further, the provider shall not be required to
21 give the pre-lien notice in Section 142.6 of Title 42 of the
22 Oklahoma Statutes.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 160.6 of Title 42, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The following are the maximum fees for each posting to the
5 construction registry and review by any party that is not registered
6 on the project:

7 1. Project registration \$10.00

8 After a project is registered, the owner and general contractor
9 may review at no charge.

10 2. Provider registration \$5.00

11 After a project is registered, the provider may review at no
12 charge.

13 3. Nonregistered party's review \$10.00

14 After a party is registered the party may review at no charge.

15 B. All monies collected by the administrator for registration
16 fees shall be deposited to the Oklahoma Construction Registry
17 Revolving Fund created by Section 7 of this act. These funds shall
18 be used by the administrator to implement, administer and maintain
19 the Oklahoma Construction Registry Act.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 160.7 of Title 42, unless there
22 is created a duplication in numbering, reads as follows:

23 There is hereby created in the State Treasury a revolving fund
24 for the administrator to be designated the "Oklahoma Construction

1 Registry Revolving Fund". The fund shall be a continuing fund, not
2 subject to fiscal year limitations, and shall consist of monies from
3 registration fees and any other monies collected pursuant to the
4 Oklahoma Construction Registry Act. All monies accruing to the
5 credit of the fund are hereby appropriated and may be budgeted and
6 expended by the administrator for implementation, administration and
7 maintenance of the Oklahoma Construction Registry Act. Expenditures
8 from the fund shall be made upon warrants issued by the State
9 Treasurer against claims filed as prescribed by law with the
10 Director of the Office of Management and Enterprise Services for
11 approval and payment. This fund shall be subject to and comply with
12 the provisions of Section 211 of Title 62 of the Oklahoma Statutes.

13 SECTION 8. This act shall become effective November 1, 2014.

14 Passed the House of Representatives the 11th day of March, 2014.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2014.

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Presiding Officer of the Senate

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