

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 797

By: Brooks

AS INTRODUCED

An Act relating to public buildings and public works; creating the Safety Training for Employees Performing Construction Work with Governmental Entities; providing short title; defining terms; requiring certain contracts to provide for construction safety training; providing for notice and penalty; providing for administration of act; providing for noncodification; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Safety Training for Employees Performing Construction Work with Governmental Entities".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 401 of Title 61, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section:

1. "Construction contract" means a contract or agreement for the performance of general construction for a governmental entity;

1 2. "Construction safety training" means a construction and
2 general industry safety training class approved by the federal
3 Occupational Safety and Health Administration that is at least ten
4 (10) hours in duration;

5 3. "Contractor" means a person, firm, or corporation
6 contracting with a governmental entity for general construction;

7 4. "Employee" means an individual paid by a contractor or
8 subcontractor to perform general construction work or services;

9 5. "General construction" means:

10 a. erecting or preparing to erect a structure, including
11 a building, bridge, roadway, public utility facility,
12 or related structure,

13 b. remodeling, extending, repairing, or demolishing a
14 structure, or

15 c. otherwise improving real property or a structure
16 related to real property;

17 6. "Governmental entity" means this state, or a political
18 subdivision of this state, including a municipality, county, public
19 school district, or authority;

20 7. "On site" means the locations where individuals are working
21 or involved in the act of working; and

22 8. "Subcontractor" means a person, firm, or corporation
23 contracting with a contractor for general construction.
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1 B. To the extent consistent with federal law, a governmental
2 entity that enters into a construction contract shall require that
3 the contractor ensure that all employees working on site of the
4 general construction site that is the subject of the construction
5 contract have completed construction safety training. Before an
6 employee works on the general construction site, the contractor
7 shall receive and provide to the governmental entity a certificate
8 of training completion for the employee.

9 C. A governmental entity that enters into a construction
10 contract shall include in the contract notice and penalty provisions
11 that:

12 1. Require the governmental entity to provide the contractor
13 with written notice, hand delivered or by certified mail, of a
14 violation of subsection B of this section by the contractor;

15 2. Require the contractor to comply with subsection B of this
16 section by the twentieth business day after the date the contractor
17 receives any notice of noncompliance with that subsection;

18 3. Inform a contractor that the governmental entity may impose
19 an administrative penalty if the contractor fails to comply with
20 subsection B of this section after the twentieth business day after
21 the date the contractor receives any notice of noncompliance with
22 that subsection; and

23 4. Explain that a penalty amount may be withheld from a payment
24 otherwise owed to the contractor under the construction contract.

1 D. The amount of a penalty imposed under paragraph 3 of
2 subsection C of this section is One Hundred Dollars (\$100.00) per
3 day for each employee working in noncompliance.

4 E. Each governmental entity shall develop procedures for the
5 administration of this section.

6 SECTION 3. This act shall become effective November 1, 2023.

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