

Prompt Payment for Commercial Construction

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STATE	CITE	Owner to Prime	Prime to Sub	Sub to Lower Tiers	Interest / Fees	Other Comments
U.S. Public	31 U.S.C. §§ 3901 et seq.; 48 CFR § 52.232-27.	Progress: 14 days after invoice. Final: 30 days after invoice and final acceptance.	7 days after payment.	7 days after payment.	Per Contract Disputes Act (§ 3902(a)); compounded monthly (§ 3902(e)). No fees provision.	Sub entitled to payment info: 48 CFR §§ 32.112-2. CO to investigate sub assertions of nonpayment: 48 CFR §§ 32.112-1.
Alabama Private	Ala. Code §§ 8-29-1 to 8-29-8.	30 days after invoice unless otherwise agreed. § 8-29-3(a)	7 days after payment unless otherwise agreed. § 8-29-3(b)	7 days after payment unless otherwise agreed. § 8-29-3(c)	1% per month (§ 8-29-3(d)); attorneys' fees to the prevailing party. § 8-29-3(d)	Contractors must pay 1% per month interest on retainage exceeding amount held by owner. § 8-29-3(f)
Alabama Public	Ala. Code § 41-16-3.	30 days after invoice. § 41-16-3.	7 days after payment unless otherwise agreed. § 41-16-3.	7 days after payment unless otherwise agreed. § 41-16-3.	Interest at the rate "currently charged by the state". § 41-16-3. No fees provision.	
Alaska Private	None.	na	na	na	na	
Alaska Public	Alaska Stat. §§ 36.90.200-36.90.290, (Interest rate on amounts due set by Alaska Stat. § 45.45.010.)	30 or 21 days (depending on source of public funds) from later of invoice or political subdivision's actual receipt of grant money. § 36.90.200(a)	8 working days after payment. § 36.90.210(a)(1)	8 working days after payment. § 36.90.210(b)(2)	Interest at the legal rate from, for payments due the prime, the 21 st day after payment is due or, for lower tiers, from the date due. §36.90.200(b) § 36.90.210(a)(3) § 36.90.210(b)(3) No fees provision.	Contractors <i>arguably</i> must pay interest on retainage exceeding amount held by owner.

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Arizona Private	Ariz. Rev. Stat. §§ 32-1129 to 32-1129.06.	7 days after approval of invoice (i.e., not less than 21 days after invoice) unless otherwise provided in the contract and bid plans and specs. § 32-1129.01	7 days after payment. § 32-1129.02(B)	7 days after payment. § 32-1129.02(B)	1.5% per month; attorneys' fees to "successful party." § 32-1129.02(F)	Right to suspend work controlled by statute.
Arizona Public	Ariz. Rev. Stat. §§ 34-221,41-2576, 41-2577, 28-6924 (highway), schools exempt: § 15-213.	14 days after invoice approved (i.e., not less than 21 days after invoice). A.R.S. § 34-221 (C)(2) Final payment 60 days after acceptance. A.R.S. § 34-221 (C)(5)	7 days after payment "unless otherwise agreed" except no contract may "materially alter" a contractor/ subcontractor/o supplier's right to "prompt and timely payment." A.R.S. § 34-221 (g)	7 days after payment "unless otherwise agreed" except no contract may "materially alter" a contractor/ subcontractor/o supplier's right to "prompt and timely payment." A.R.S. § 34-221 (g)	1.0% per month. A.R.S. § 34-221 (j) & (k). No fees provision.	10% retainage required by statute; sub required to notify state if additional retainage withheld. A.R.S. § 34-221 (C)(5)
Arkansas Private	None.	na	na	na	na	
Arkansas Public	Ark. Code § 19-4-1411.	Maximum of 15 working days after invoice, excluding time of transmittal from one party to another. Ark. Code § 19-4-1411(a)	No provision.	No provision.	8% per annum. Ark. Code § 19-4-1411(a)(3). No fees provision.	
California Private	Cal. Bus. & Prof. Code § 7108.5, Cal. Civil Code §§ 3260-3260.1.	30 days after invoice.	10 days after payment unless otherwise agreed. Final payment 45 days after project completion.	10 days after payment unless otherwise agreed.	2% per month and attorneys' fees to "prevailing party".	Right to suspend work controlled by statute.

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California Public	Cal. Bus. & Prof. Code § 7108.5, Civil Code § 3262.5, Pub. Cont. Code §§ 7107, 9202, 10261.5, 10262.5, 10853.	30 days after invoice (39 days for state universities).	10 days after payment (15 days for a prime to a public utility to pay subs).	10 days after payment unless otherwise agreed.	For payments to subs, 2% interest per month and attorneys' fees to "prevailing party." For payments to prime, interest at legal rate, no fees.	
Colorado Private	None.	na	na	na	na	
Colorado Public	Colo. Rev. Stat. §§ 24-91-101 to 24-91.103.	"at the end of each calendar month, or as soon thereafter as practicable". § 24-91-103(1)	7 days after payment. § 24-91-103(2)	7 days after payment. § 24-91-103(2)	For payments to subs, 15% per annum or amount specified in contract "whichever is higher." No fees provision. § 24-91-103(2)	
Connecticut Private	Conn. Gen. Stat. §§ 42-158i to 42-158j.	30 days after invoice. § 42-158j(a)(1)	30 days after payment. § 42-158j(a)(2)	30 days after payment. § 42-158j(a)(3)	1% per month; attorneys' fees only upon finding payment "unreasonably withheld" § 42-158j(b)(4))	Notice of nonpayment must be given by certified mail. Statute gives subs and suppliers a direct right of action against Owners who: (1) do not pay the prime contractor as required by this statute; and (2) do not pay the sub or supplier upon receipt of the sub or supplier's written demand. § 42-158j(d)

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Connecticut Public	Conn. Gen. Stat. §§ 4a-71 to 4a-75, 49-41c.	45 days after invoice unless otherwise agreed. § 4a-71(b)	30 days after payment. S 49-41c.	See Private.	For payment to prime, interest at rate equal to “monthly effective yield for the [state’s] Short Term Investment Fund.” § 4a-71(a). No fees provision.	
Delaware Private	Del. Code, Title 6, §§ 3501 to 3509.	Within 30 days after invoice or “end of the billing period”. § 3507(c)	15 days after payment unless otherwise agreed. § 3507(d)	15 days after payment unless otherwise agreed. § 3507(d)	Interest required but rate not specified; § 3506(a)(2) and (b)(2). Unless otherwise agreed, attorneys’ fees to “substantially prevailing party”. § 3509	Contingent payment expressly unenforceable § 3507(e). Additional damage award for “amounts wrongfully withheld” is permitted.

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Delaware Public	Del. Code, Title 29, § 6516(f).	Progress payments by mutual agreement on contracts of less than 90 days. For all other contracts monthly progress payments must be made within 21 days after the estimate of work is certified and approved or, "within 10 days" of the federal agency's approval if fed approval is needed. § 6516(f)(1). Final payment due 60 days after final completion and acceptance. § 6561(f)(3)	21 days after payment unless otherwise specified on bid plans. § 6516(f)(7).	21 days after payment unless otherwise specified on bid plans. § 6516(f)(7).	“prime interest rate as established by the Federal Reserve” plus 2% § 6516(f)(7)(d); No fees provision.	Additional damage award for “amounts wrongfully withheld” is permitted. § 6516(f)(8)
D.C. Private	None.	na	na	na	na	na
D.C. Public	D.C. Code §§ 2-221.01 to 2-221.06.	30 days, excluding legal holidays, after invoice unless otherwise agreed. § 2-221.02(2)(A)(ii)	7 days after payment. § 2-221.02(2)(D)(1)	7 days after payment. § 2-221.02(2)(D)(3)	Interest at rate determined by mayoral regulation § 2-221.02(2)(B)(1); No fees provision.	

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Florida Private	Fla. Stat. §§ 713.346, 715.12.	Per contract.; final payment within 14 days after completion. § 715.12(7)(a)	Per contract. § 713.346(1). Must pay undisputed obligations within 30 payment becomes due, or within 30 days after payment for the work is received. § 713.346(2)	Per contract. § 713.346(1). Must pay undisputed obligations within 30 payment becomes due, or within 30 days after payment for the work is received. § 713.346(2)	Interest at judgment rate; Attorneys' fees for prevailing party in payment disputes between contractors and subs, subs and subs. § 713.346(7)	
Florida Public	Fla. Stat. §§ 255.0705 et seq., 215.422. Localities: §§ 218.70 et seq. FDOT: § 337.141.	30 days after invoice; 20 or 25 business days after invoice for localities. § 215.422(1); FDOT gets 75 days from acceptance for final payment. FDOT § 337.141.	10 days after payment. § 255.073(3)	7 days after payment. § 255.073(3)	Interest at 1% per month. § 255.073(4); Attorneys' fees for prevailing party in payment disputes between contractors and subsand suppliers if the "non-prevailing party" failed to timely pass through a payment as required.. § 255.076.	

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Georgia Private	Ga. Code §§ 13-11-1 to 13-11-11.	15 days after invoice. § 13-11-4(a)	10 days after payment. § 13-11-4(b)	10 days after payment. § 13-11-4(b)	Interest at 1% per month unless otherwise agreed. § 13-11-7; Fees for “prevailing party” § 13-11-8.	Once the sub's work is equal to 50% of the subcontract value, the contractor must reduce retainage "in the same manner as the contractor's retainage is reduced by the owner." The contractor has 10 days after receiving the owner's payment of retainage to pass that through to its subs. § 13-11-6.
Georgia Public	Ga. Code §§ 13-11-1 to 13-11-11.	15 days after invoice (small localities — counties with populations less than 10,000, municipalities with populations less than 2,500— excluded). § 13-11-4(a)	10 days after payment. § 13-11-4(b)	10 days after payment. § 13-11-4(b)	Interest at 1% per month unless otherwise agreed § 13-11-7; Fees for “prevailing party”. § 13-11-8.	Same as above.
Hawaii Private	HRS §§ 444-1 and 444-25.	No provision.	60 days after invoice, but may be contingent on receipt of funds held in escrow or trust if disclosed on bid solicitation. § 444-25	60 days after invoice, but may be contingent on receipt of funds held in escrow or trust if disclosed on bid solicitation. § 444-25	Interest at 1% per month beginning on the 60 th day following receipt of the statement by the contractor. § 444-25; No fees provision.	

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Hawaii Public	HRS §§ 103-10 to 103-10.5. HB 3036	30 days after invoice. § 103-10(a)	10 days after payment. § 103-10.5(a)	See Private.	Interest at prime plus 2% for prime contractor. § 103-10(a); subs get 1.5% per month if final payment is delayed. § 103-10.5(c); No fees provision.	
Idaho Private	None.	na	na	na	na	
Idaho Public	Idaho Code §67-2302.	60 days after invoice unless otherwise agreed. § 67-2302(2)	No provision.	No provision.	Interest at the statutory rate for prime contractor. § 67-2302(7); No fees provision.	Per § 67-2302(7), the interest rate is to be calculated as set forth in § 63-3045.
Illinois Private	Title 815 ILCS 603/1-603/99	40 days after invoice (25 to approve, 15 to pay). Payment deemed approved 25 days after receipt of invoice unless Owner notifies contractor in writing of reason for withholding payment. 815 ILCS 603/10(1)	15 days after payment. 815 ILCS 603/10(2)	15 days after payment. 815 ILCS 603/10(2)	Interest at the rate of 10% per annum. 815 ILCS 603/15(a). No fees provision.	Contractor or sub may suspend performance without penalty if, after 7 calendar days written notice, payment as required is not made. 815 ILCS 603/15(b)

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Illinois Public	Title 50 ILCS505/1 - 505/9 (localities); title 30 ILCS 540/0.01- 540/7 (state).	60 days after invoice (30 to approve + 30 to pay). STATE: 30 ILCS 540/3-2(1) LOCALITIES: 50 ILCS 505/3 & 50 ILCS 505/4	15 days after payment. STATE: 30 ILCS 540/7(b) LOCALITIES: 50 ILCS 505/9	15 days after payment. STATE: 30 ILCS 540/7(b) LOCALITIES: 50 ILCS 505/9	Interest at 1% per month for primes. STATE: 30 ILCS 540/3-2(1); LOCALITIES: 50 ILCS 505/4; 2% per month for subs and sub-subs; STATE: 30 ILCS 540/7(b) LOCALITIES: 50 ILCS 505/9; No fees provision.	
Indiana Private	None.	na	na	na	na	
Indiana Public	Ind. Code §§ 5-17-5-1 to 5-17-5-5.	State: 35 days after invoice. IC 5-17-5-1(b)(1) Localities: at least 45 days after invoice. IC 5-17-5-1(b)(3) Some highway projects are subject only to highway dept. rules. IC 5-17-5-2	No provision.	No provision.	Interest at 1% per month IC 5-17-5-1(a); must be distributed to subcontractors if contractor was “unable to make timely payments” IC 5-17-5-4(b); No fees provision.	
Iowa Private	None.	na	na	na	na	

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Iowa Public	Iowa Code §§ 573.12 and 573.14.	14 up to 30 days after invoice, per contract, for progress payments. 573.14 ; final payment 40 up to 50 days after acceptance. 573.14	7 days after payment. 573.12 (2)(b)	No provision.	Interest rate depends on the state agency; No fees provision.	
Kansas Private	Kan.Stat. 16-1801 to 16-1807.	30 days after invoice for progress payments. 16-1803(e); final payment per contract.	7 business days after payment. 16-1803(f)	7 business days after payment. 16-1803(f)	Interest at 18% per year. 16-1804(b); fees for "prevailing party." 16-1806.	Right to suspend controlled by statute. 16-1805.
Kansas Public	Kan. Stat. §§ 75-6401 to 75-6407, highway excluded.	Per contract or, if not addressed in contract, 30 days after invoice for progress payments. 75-6403(b) (No provision.	No provision.	Interest at 18% per year, compounded monthly. 75-6403(d); Fees for "prevailing party."	Interest begins 37 days after invoice.
Kentucky Public and Private	KRS 371.400 to <u>371.425</u> : (the "Kentucky Fairness in Construction Act"; cf. §§ 45.451-45.458 (prompt payment by government in general).	30 business days after invoice for progress payments. KRS § 371.405(6) ; contractor must give notice of nonpayment after 25 business days; 45 business days for progress payments by schools. KRS § 371.405(7); final payment 30 days after substantial completion.	15 business days after payment. KRS § 371.405(8)	15 business days after payment. KRS § 371.405(8) and (10)	Interest at 12% per year. KRS § 371.405(6) and (9) ; fees only if losing party "acted in bad faith." KRS § 371.415	1. Applies to payments on construction contracts entered into after June 26, 2007. 2. There are two exceptions to the rules: they don't apply to: (a) "residential" Construction; or (b) construction for regulated utilities.

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Louisiana Private	La. Rev. Stat. § 9:2784	No provision.	14 days after payment. LSA-R.S. 9:2784(c)	14 days after payment. LSA-R.S. 9:2784(c)	Penalty of 1.5% per day up to 15% max; attorneys' fees for collection, and fees for defending against claim "without merit." LSA-R.S. 9:2784(c)	
Louisiana Public	La. Rev. Stat. §§ 9:2784, 38:2191, 48:251.5 (highway)	Progress payments per contract. LSA-R.S. 38:2191(A); final payment within 45 days after receipt of "clear lien certificate." LSA-R.S. 38:2191(B)	See private.	See private.	Highway primes entitled to legal rate of interest; and fees only for "bad faith" LSA-R.S. 48:251.5; other primes get no interest; Fees to "prevailing party." LSA-R.S. 38:2191(B)	

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Maine Public and Private	10 M.R.S.A. § 1111 <i>et seq.</i> (Me. Rev. Stat., Title 10, §§ 1111 <i>et seq.</i> (excludes highway)); <i>cf.</i> Title 5, §§ 1551 <i>et seq.</i> (prompt payment by government in general).	Progress payments as agreed. 10 M.R.S.A. § 1113(1). If not specified in contract, then 20 days after invoice or end of billing period whichever is later; final payment 30 days after “final acceptance.”	As agreed. 10 M.R.S.A. § 1114(1). Notwithstanding any contrary agreement, 7 days after payment or invoice, whichever is later. 10 M.R.S.A. § 1114(3); payment of contractor-held retainage (only permitted when owner is not holding retainage) 30 days after “final acceptance.”	7 days after payment or invoice, whichever is later; payment of contractor-held retainage (only permitted when owner is not holding retainage) 30 days after “final acceptance.”	Interest at statutory rate, plus 1% per month penalty; Attorneys’ fees for “substantially prevailing party.” 10 M.R.S.A. § 1118	
Maryland Private	Md. Code, Real Property, §§ 9-301 to 9-304.	Progress payments as agreed; final payment 30 days after completion unless otherwise agreed.	7 days after payment.	7 days after payment.	Interest at the legal rate; Attorneys’ fees only awarded for “bad faith” failure to pay “undisputed amounts.”	
Maryland Public	Md. State Fin. & Proc. §§ 15-101 to 15-108, 15-226.	As agreed.	10 days after payment.	10 days after payment	Interest at 9% per year for prime; no provision on interest for subs; No fees provision.	Procurement officer must act within 2 days on subcontractor assertions of nonpayment. MD STATE FIN & PROC § 15-226(e)

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Massachusetts Private	None.	na	na	na	na	Nothing specifically for non-payment, but general interest statute adds 12% to judgments in contract actions.
Massachusetts Public	M.G.L.A. 30 §§ 39F, 39G, 39K; <i>cf.</i> Chapter 29 § 29C (prompt payment by government in general).	Progress payments 15 or 30 days after invoice depending on which agency (30 days in the case of the commonwealth, including local housing authorities. 15 days for all others); Retainage limited to 5%; filed subcontractors' retainage due within 65 days of their substantial completion; all other retainage due 65 days after substantial completion of project	Progress payments due "Forthwith after ... receiv[ing] payment"; final payment to "filed subcontractors" 65 days after substantial completion of that sub's work	No provision.	Federal Reserve "rediscount rate" plus 3% for prime to be pro rated to affected subs. M.G.L.A. 30 § 39K; Public works payment bond statute provides legal fees for successful claimants.	Awarding authority must act on subcontractor assertions of nonpayment; direct payment to sub is a remedy. M.G.L.A. 30 § 39F.
Michigan Private	None.	na	na	na	na	na
Michigan Public	M.C.L.A. §§ 125.1561 — 125.1565 (highway, housing, schools excluded).	Later of 30 days after owner agent approves invoice, or 15 days after agency's receipt of public funds from another agency.	No provision.	No provision.	Prime may charge "reasonable interest"; No attorneys' fees provision.	

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Minnesota Private	Minn. Stat. § 337.10.	No provision.	10 days after payment.	10 days after payment.	Interest at 1.5% per month; Attorneys' fees for "party requesting payment who prevails in a civil action to collect."	
Minnesota Public	Minn. Stat. §§ 15.71-74, 16A.124-16A.1245, 137.36 (University of MN), 471.425 (localities).	"monthly" unless otherwise agreed; for localities, 35 or 45 days after invoice or receipt of service whichever is later unless otherwise agreed; for U of MN, no provision.	10 days after payment.	No provision.	Interest at 1.5% per month; Attorneys' fees for contractor or subcontractor "who prevails in a civil action to collect interest penalties," however, prime must show bad faith by municipality to recover fees.	Retainage may not exceed 5%.
Mississippi Private	Miss. Code. §§ 87-7-3, 87-7-5.	Progress payments as agreed; final payment 30 days after substantial completion.	15 days after payment.	No provision.	Interest at 1% per month for prime; penalty of 0.5% per day up to 15% for subs; No fees provision.	
Mississippi Public	Miss. Code §§ 31-5-25, 31-5-27.	Progress payments as agreed; final payment 45 days after substantial completion.	15 days after payment.	No provision.	Interest at 1% per month for prime; penalty of 0.5% per day up to 15% for subs; No fees provision.	

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STATE	CITE	Owner to Prime	Prime to Sub	Sub to Lower Tiers	Interest / Fees	Other Comments
Missouri Private	Rev. Mo. Stat. § 431.180.	As agreed.	As agreed.	As agreed.	Court “may” award “up to” 1.5% interest per month and attorneys’ fees to prevailing party.	
Missouri Public (see Private for Localities)	Rev. Mo. Stat. § 34.057.	Progress payments 30 days of invoice or receipt of service whichever is later; final payment 30 days after completion.	15 days after payment.	15 days after payment.	Interest at 1.5% per month if payment “not withheld in good faith for reasonable cause”; court “may, in its discretion” award fees to prevailing party.	
Montana Private and Localities	Mont. Code Ann. §§ 28-2-2101 to 28-2-2117 (includes localities but not state agencies, <i>cf.</i> § 28-2-2103(2) (receipt of payment from “owner or a state agency”).	“monthly” unless alternate disclosed in the bid documents; invoices deemed approved after 21 days unless alternate disclosed in bid docs; payment due 7 days after approval unless alternate disclosed in the bid docs.	7 days after payment.	7 days after payment.	Interest at 1.5% per month but <i>only if late payments are refused</i> ; Attorneys fees’ for “prevailing party” in court and “may” be awarded in arbitration.”	
Montana Public (for Localities, see Private)	Mont. Code §§ 17-8-241 to 17-8-244 (for localities see Private); §§ 28-2-2103(2) & (3) (payment of subcontractors).	30 days after invoice or receipt of services, whichever is later, unless otherwise agreed.	7 days after payment.	7 days after payment.	Interest for prime at 0.05% per day in absence of good faith dispute, 10% per year in other cases; No fees for prime, for subs see Private.	

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Nebraska Private	None.	na	na	na	na	
Nebraska Public	Neb. Stat. §§ 81-2401 to 81-2408.	45 days after invoice or receipt of services whichever is later.	No provision.	No provision.	Interest at statutory rate for prime; No fees provision.	
Nevada Private	Nev. Rev. Stat. §§ 624.606 to 624.630.	21 days after invoice or as otherwise agreed for progress payments; 30 days after availability of improvement for intended use for final payment.	10 days after payment.	10 days after payment.	Interest at statutory prime rate or agreed rate, whichever is higher; attorneys' fees "may" be awarded to prevailing party if statutory right to suspend and to terminate is exercised.	right to suspend controlled by statute
Nevada Public	Nev. Rev. Stat. §§ 338.400-338.645.	30 days after invoice for progress payments; 30 days after occupancy, use, or notice of completion, whichever is earlier, for final payment.	10 days after payment.	10 days after payment.	Interest at one statutory rate for primes and another for subs; attorneys' fees unpaid party who prevails.	
New Hampshire Private	None.	na	na	na	na	
New Hampshire Public	None.	na	na	na	na	

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New Jersey Public and Private	N.J. Stat. §§ 2A:30A-1, 30A- 2; 40A:11-16.2 (localities), 52:32-40, 52:32- 41 (older law not repealed).	30 days after billing date specified in contract (for localities, must be monthly); however, public entities get extension to billing cycle after “next scheduled public meeting.”	10 days after payment unless otherwise agreed.	10 days after payment unless otherwise agreed.	Interest at prime plus 1% (some highway projects excluded); Attorneys’ fees to prevailing party.	Right to suspend for nonpayment, until the required payment is made, is allowed in certain situations and controlled by statute. N.J.S.A. 2A:30A-2(d)
New Mexico Public and Private	N.M. Stat., §§ 57-28-1 to 57-28- 11.	Progress payments: 21 days after invoice, or 45 days for local public bodies who print notice on each page of the bid plans. Final payment: 10 days after certification of completion upon presentation of required documents.	7 days after payment.	7 days after payment.	Interest at 1.5% per month; court “may” award attorneys’ fees.	

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New York Private	N.Y. Gen. Bus. Law §§ 756 <i>et seq.</i>	Progress payments: monthly billing cycle unless otherwise agreed; 42 days to pay (12 days to approve invoice plus 30 days to pay) unless otherwise agreed; owner gets time extension if lender fails to disburse loan and lender is legally required to do so. Final payment: 30 days after “final approval” for final payment.	7 days after payment.	7 days after payment.	1.5% per month; no fees provision.	A contractor or subcontractor must disclose to its lower-tier, at the time the construction subcontract is entered into, the due date for receipt of payments to the contractor or subcontractor from the owner or the contractor. NY GEN BUS § 756-a(4); Right to suspend controlled by statute. NY GEN BUS +§ 756-b(2)
New York Public	N.C. Gen Stat. 143.134.1; State Fin. Law §§ 139-f, 179-f (pt. of Art. 11-A); Pub. Auth. Law § 2880, Gen. Mun. Law § 106-b; Hwy. Law § 38; NYC Procurement Policy Board Rules § 4-06.	30 days after invoice for public agencies, authorities and corporations; 75 days after invoice for highway; NYC rules: 30 days after invoice for progress payments, 60 days after invoice for changes, 60 days after invoice for final payment.	15 days after payment.	15 days after payment.	Interest at one of two statutory rates, depending on type of public agency for primes; another statutory rate for subs; No fees provision.	
North Carolina Private	N.C. Gen. Stat. §§ 22C-1 to 22C-6.	No provision.	7 days after payment.	7 days after payment.	Interest at 1% per month; No fees provision.	

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North Carolina Public	N.C. Gen Stat. §§ 143-134 (highway exclusion) to 143-134.1, 143.135.	Progress payments per contract; final payment 45 days after acceptance or occupancy whichever is first.	7 days after payment.	see Private.	Interest at 1% per month; No fees provision.	
North Dakota Private	None.	na	na	na	na	
North Dakota Public	N.D. Cent. Code §§ 13-01.1-01 to 13-01.1-06.	45 days after invoice unless otherwise agreed.	45 days after payment.	45 days after payment.	Interest at 1.75% per month unless otherwise agreed.	
Ohio Private	Ohio Rev. Code §§ 4113.61.	No provision.	10 days after payment. O.R.C. § 4113.61(A)(1).	10 days after payment. O.R.C. § 4113.61(A)(2).	Interest at 18% per year. O.R.C. § 4113.61(A)(3) & (4); Attorneys' fees to prevailing party. O.R.C. 4113.61(B)(1).	
Ohio Public	Ohio Rev. Code §§ 126.30.	30 days after invoice unless otherwise agreed.	see Private.	see Private.	Interest at statutory rate for primes, compounded monthly O.R.C. § 126.30(E); see Private for subs; No fees provision.	
Oklahoma Private	None.	na	na	na	na	

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Oklahoma Public	Okla. Stat., Title 61, §§ 221-227 (highway excluded); Title 61, §§ 113.1-113.3 (retainage generally); 62, §§ 41.4a - 41.4d (prompt payment by government generally).	30 days after invoice for progress payments; 21 days after substantial completion for final payment.	10 days after payment.	7 days after payment.	Interest for prime at statutory rate, and for sub at 1.5% per month. Okla. Stat., Title 61-225(E)	Right to suspend controlled by statute. Okla. Stat., Title 61, § 225(A)
Oregon Private	None.	na	na	na	na	
Oregon Public	Or. Rev. Stat. §§ 279C.320, .505, .570, .580	30 days after invoice for progress payments; 30 days after acceptance for final payment.	10 days after payment.	10 days after payment	Interest at statutory rate up to 30% for progress payments to prime; 1.5% per month for final payment to prime; different statutory rate for subs; No fees provision.	
Pennsylvania Private	73 Uncon. Penn. Stat. §§ 501-516.	20 days after invoice unless otherwise agreed for progress payments; 30 days after final acceptance for final payment.	14 days after payment.	14 days after payment.	1% per month unless otherwise agreed; additional penalty of 1% per month for amounts “wrongfully withheld”; Fees to substantially prevailing party.	

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Pennsylvania Public	62 Pa. Con. Stat. §§ 3931 <i>et seq.</i>	45 days after invoice unless otherwise agreed to progress payments; final payment inspection within 30 days of request and payment within 45 days of inspection.	14 days after payment.	14 days after payment.	Interest at statutory rate for overdue taxes; 1% per month additional penalty for amounts “withheld in bad faith”; Attorneys’ fees “may” be awarded but only in cases of “bad faith.”	
Rhode Island Private	None.	na	na	na	na	
Rhode Island Public	R.I. Gen. Laws §§ 42-11.1-1 to 42-11.1-16, 37-13-5.	30 days after invoice.	10 days; must pay material suppliers within 90 days of furnishing.	no provision for sub-subs; must pay material suppliers within 90 days of furnishing.	Interest at prime rate for prime, no provision for subs, must file notice of claim for interest to start; No fees provision	
South Carolina Public and Private	S.C. Code §§ 29-6-10 <i>et seq.</i>	21 days after invoice.	7 days after payment.	7 days after payment.	Interest at 1% per month if warning and statutory cite are on the invoice; rate may be varied if rights under statute are specifically waived; No fees provision.	
South Dakota Private	None.	na	na	na	na	
South Dakota Public	S.D. Codified Laws §§ 5-26-1 to 5-26-8.	45 days after invoice unless otherwise agreed.	30 days after payment.	No provision.	Interest at 1.5% per month; No fees provision.	

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Tennessee Private	Tenn. Code §§ 66-34-101 to 66-34-703 HB 3068	Progress payments: 30 days after invoice submitted in accordance with contract schedule. Final payment: after substantial completion per contract.	30 days after invoice submitted in accordance with contract schedule, subject to any pay-if-paid clause.	30 days after invoice submitted in accordance with contract schedule, subject to any pay-if-paid clause.	Interest at statutory rate unless otherwise agreed; Fees “may” be awarded only if “nonprevailing party has acted in bad faith.”	The amount that may be retained on a construction contract has been lowered from 10% to 5%. Tenn. Code § 66-34-203. All retainage must be paid within 90 days after substantial completion or receipt of a U/O permit. Tenn. Code § 66-34-204.
Tennessee Public	Tenn. Code §§ 12-4-701 to 12-4-707.	45 days after invoice unless otherwise agreed.	30 days after payment.	see Private.	Interest at 1.5% per month; No fees provision.	
Texas Private	Tex. Prop. Code §§ 28.001 to 28.010.	35 days after invoice. Tex. Prop. Code §28.002(a)	7 days after payment. Tex. Prop. Code §28.002(b).	7 days after payment. Tex. Prop. Code §28.002(c).	Interest at 1.5% per month. Tex. Prop. Code §28.004; Court “may” award attorneys’ fees. Tex. Prop. Code §28.005.	Right to suspend work controlled by statute. Tex. Prop. Code §28.009.
Texas Public	Tx. Govt. Code §§ 2251.001 - 2251.043.	31 days after invoice or receipt of services whichever is later. Tx. Govt. Code §2251.021.	10 days after payment. Tx. Govt. Code §2251.022.	10 days after payment. Tx. Govt. Code §2251.023	Interest at prime plus 1%. Tx. Govt. Code § 2251.025.; fees for “prevailing party.” Tx. Govt. Code § 2251.043	A payment is considered mailed on the date it is postmarked. Tx. Govt. Code §2251.024.

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Utah Private	Utah Code §§ 13-8-5, 58-55-603.	No provision for progress payments; final payment 45 days after later of invoice or certificate of occupancy.	Progress payments 30 days after payment; final payment 10 days after payment.	30 days after payment; final payment 10 days after payment.	Interest at 1% per month plus for subs, reasonable costs of collection and attorneys fees. Utah Code §58-55-603; Fees for prevailing party in suit for retainage.	Retention may not exceed 5% of the payment. Utah Code § 13-8-5(3).
Utah Public	Utah Code §§ 13-8-5, 15-6-1 to 15-6-6.	60 days unless otherwise agreed for progress payments; final payment 45 days after later of invoice or certificate of occupancy.	Progress payments 30 days after payment; final payment 10 days after payment.	Progress payments see Private; final payment 10 days after payment.	Interest at IRS refund rate plus 2% for prime; interest at 15.5% for sub. Utah Code §15-6-5; Fees for prevailing party in suit for retainage.	These provisions do not apply to contracts involving federal funds, or mixed state and federal funds. Utah Code § 15-6-6.
Vermont Public and Private	Vt. Stat., Title 9, §§ 4001-4009, Title 12, § 2903.	Progress payments 20 days after invoice submitted in accordance with contract schedule; final payment 30 days after final completion..	7 days after payment.	7 days after payment.	Interest at statutory rate; Attorneys' fees for prevailing party; and penalty of 1.5% per month for amounts "wrongfully withheld."	
Virginia Private	None.	na	na	na	na	

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Virginia Public	Va. Code §§ 2.2-4347 to 2.2-4356.	30 days after invoice or receipt of services whichever is later, unless otherwise agreed for state agencies; 45 days after invoice or receipt of services whichever is later, unless otherwise agreed for localities.	7 days after payment.	7 days after payment.	Interest at prime for state agency primes unless other rate is agreed; interest at 1% per month for subs and locality primes unless other rate is agreed. Va. Code § 2.2-4354(4); no fees provision.	Notice of defects that would prevent timely payment must be sent within 15-days after receipt of the invoice or the defective goods or services. Va. Code § 2.2-4351
Washington Private	None.	na	na	na	na	
Washington Public	Wash. Rev. Code §§ 39.76.010 to 39.76.40, 39.04.250.	30 days after invoice or receipt of services, whichever is later, unless “funded by grant or federal money” not yet received by public body.	10 days after payment.	10 days after payment.	1% per month for primes. RCWA § 39.76.010; interest at highest statutory rate for subs. RCW § 39.04.250(3); Attorneys’ fees for “prevailing party.” RCWA § 39.76.040	
West Virginia Private	None.	na	na	na	na	

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West Virginia Public	W. Va. Code §§ 5A-3-54 (state), 7-5-7 (county), 8-13-22d (municipality).	60 days after invoice.	No provision.	No provision.	Interest at statutory rate for primes if payment not made within 60 days. W. Va. Code § 5A-3-54(b)(1); § 7-5-7(b)(1); and 8-13-22d(b)(1), respectively; No fees provision.	Invoices to the state are deemed given on the earlier of (a) the date the invoice is marked as received by the receiving party or (b) three days after the postmark by the United States postal service; For counties and municipalities, the invoice is deemed given on the earlier of the postmarked date or the date the invoice is stamped as received.
Wisconsin Private	None.	na	na	na	na	

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Wisconsin Public	Wis. Stat. §§ 16.528 (state); 16.53(2) (rejection of invoice); 66.0135 (local).	30 days after invoice or receipt "and acceptance" of services, whichever is later.	7 days after payment.	7 days after payment.	Interest at statutory rate for unpaid taxes. Interest at statutory rate for subs and sub-subs, beginning the 8 th day after the prime receives payment from the owner. Wyo. Stat. § 16-528(2m)(b) & § 66-0135(3) (compounded monthly); Attorneys' fees to "prevailing party" in action to recover interest. Wis. Stat. § 16.528(6)	Payments are timely if "mailed, delivered or transferred" to the subcontractor within 7 days after the principal contractor receives payment from the owner. Wyo. Stat. § 16-528(2m)(a)
Wyoming Private	None.	na	na	na	na	
Wyoming Public	Wyo. Stat. §§ 16-6-601 to 16-6-602.	45 days after invoice.	No provision.	No provision.	Interest at 1.5% per month for primes, unless a good faith dispute exists for the non-payment. Wyo. Stat. § 16-6-602; No fees provision.	

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