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# Prompt Payment in the 50 States

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## Acknowledgments

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## About ASA and FASA

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The American Subcontractors Association amplifies the voice of and leads trade contractors to improve the business environment for the construction industry and to serve as a steward for the community. The ideals and beliefs of ASA are ethical and equitable business practices, quality construction, a safe and healthy work environment, integrity and membership diversity.



The Foundation of the American Subcontractors Association, Inc., a section 501(c)(3) organization under the U.S. Internal Revenue Code, is the educational arm of ASA. FASA is an independent entity devoted to development of quality educational information, providing financial support to develop manuals, videotapes, CD-ROMs, seminars and other materials.

## 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
<i>Alabama - Private</i>	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 R.P. Indus. v. S & M Equip. Co., 896 So. 2d 460, 2004 Ala. LEXIS 208 (2004).	Contractors must pay 1% per month interest on retainage exceeding amount held by owner. § 8-29-3(f)
<i>Alabama - Public</i>	Ala. Code § 41- 16-3.	30 days after invoice. § 41-16-3(a)	7 days after payment unless otherwise agreed. § 41-16-3(a).	7 days after payment unless otherwise agreed. § 41-16-3(a).	Interest at the rate "currently charged by the state". § 41-16-3(a). No fees provision.	An owner is required to notify a contractor in writing within 15 days of receipt of any disputed request for payment. A contractor, subcontractor, and sub-subcontractor is required to provide written notification within five days of disputed request for payment or notice of disputed request for payment. § 41-16-3(c)
<i>Alaska - Private</i>	NA	NA	NA	NA	NA	
<i>Alaska - Public</i>	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 21st 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 arguably must pay interest on retainage exceeding amount held by owner
<i>Arizona - Private</i>	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.
<i>Arizona - Public</i>	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)
<i>Arkansas - Private</i>	None	na	na	na	na	
<i>Arkansas - Public</i>	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.	
<i>California - Private</i>	Cal Bus & Prof Code § 7108.5; Cal Civ Code § 8800	30 days after invoice. § 8800(a)	No later than 7 days after payment, unless otherwise agreed. § 7108.5(a)	No later than 7 days after payment, unless otherwise agreed. § 7108.5(a)	2% per month for primes and subcontractors and owner. Prevailing party entitled to attorney fees & costs. § 7108.5c; § 8800c	

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<i>California - Public</i>	Cal Civ Code § 8802; Cal Pub Contract Code §§ 10261.5; 10262; 10853	30 days after invoice. § 10261.5(a). (39 days for state universities).§ 10853	Within 21 days after receipt of payment from public utility § 8802(b)	Within 7 days after receipt of payment from public utility § 10262	2% per month for primes. Prevailing party entitled to attorney fees & costs. § 8802c. 10% per anum for state agencies. § 10261.5(a)	Retention Proceeds governed by Pub. Cont. Code §§ 7107
<i>Colorado - Private</i>	NA	NA	NA	NA	NA	
<i>Colorado - Public</i>	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)	
<i>Connecticut - Private</i>	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(c)(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(e)
<i>Connecticut - Public</i>	Conn. Gen. Stat. §§ 4a-71 to 4a-75, 49-41c.	45 days after invoice unless otherwise agreed. §4a-71(b)	30 days after payment. § 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	Additional damage award for "amounts wrongfully withheld" is permitted. §6516(f)(8)
<i>Delaware - Private</i>	Del. Code, Title 6, §§ 3501 to 3507	Within 30 days after invoice or "end of billing period," whichever is later §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.
<i>Delaware - Public</i>	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 If the approval of a federal agency is required, the payment shall be deemed timely if the payment is made within 10 days of a required federal agency's approval. §6516(f)(1)	Within 21 days of receipt of each progress payment, unless otherwise agreed. §6516(f)(7)	Within 21 days of receipt of each progress payment, unless otherwise agreed. §6516(f)(7)	A subordinate subcontractor or material supplier may require that interest under this subsection accrue on the unpaid balance at a rate not to exceed 2 percent above the prime interest rate as established by the Federal Reserve. §6516(f)(7)(d)	Additional damage award for "amounts wrongfully withheld" is permitted. §6516(f)(8)

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<i>District of Columbia - Private</i>	D.C. Code § 27-132-136	unless otherwise agreed, 15 days after the earlier of (a) acceptance, (b) Owner takes possession or (c) payment request	7 days of receipt of payment from Owner	7 day rule extends to second tier sub.	1.5% per month; attorneys fees provision	na
<i>District of Columbia - Public</i>	D.C. Code §§ 2- 221.01 to 2- 221.06.	30 days, excluding legal holidays, after invoice unless otherwise agreed.	7 days after payment.	7 days after payment.	Interest at rate determined by mayoral regulation; No fees provision.	
<i>Florida - Public</i>	Fla. Stat. §§ 215.44, 255.073, 255.076, 337.141	Invoices are to be approved no later than 20 days after receipt by CFO. Payment of approved invoices shall occur no later than 10 days. §215.422(1)(2). FDOT gets 75 days from acceptance for final payment. FDOT § 337.141.	Within 10 days after the contractor's receipt of payment. §255.073(3)	Within 7 days after the subcontractor's receipt of payment. §255.073(3)	For each day after 75 days, or 30 days after settlement of a claim, the department shall pay to the contractor interest at the rate set forth in s. 55.03. FDOT § 337.141(3)	Interest at the rate of 1 percent per month. §255.073(4). Award court costs and reasonable attorney's fees, including fees incurred through any appeal, to the prevailing party, if the court finds that the nonprevailing party withheld any portion of the payment that is the subject of the action without any reasonable basis in law or fact to dispute the prevailing party's claim to those amounts. §255.076
<i>Georgia - Private</i>	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
<i>Georgia - Public</i>	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
<i>Hawaii - Private</i>	HRS §§ 444-1 and 444-25	No Provision	Within 10 days after receipt of an invoice by the subcontractor, but may be contingent on receipt of funds held in escrow or trust if disclosed on bid solicitation. §444-25	No Provision - but could be the same as Prime to Sub	The subcontractor shall be entitled to receive interest on the unpaid amount at the rate of one and one-half per cent per month from the date payment is due. §444-25	If payment is contingent upon receipt of funds held in escrow or trust, the contractor shall clearly state this fact in the contractor's solicitation of bids. Interest shall not begin to accrue upon any unpaid balance until after the tenth day following receipt by the contractor of an invoice by the subcontractor. §444-25
<i>Hawaii - Public</i>	HRS §§ 103-10	30 days after invoice. §103-10(a)	Within 10 days after receipt of payment. §103-10.5(a)	No Provision - but could be the same as Prime to Sub	Prime rate for each calendar quarter plus 2%, beginning on the 30th day following receipt of services, whichever is later, and ending on the date of the check. §103-10(a)	
<i>Idaho - Private</i>						

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<i>Idaho - Public</i>	Idaho Code §67- 2302	60 days after invoice unless otherwise agreed. §67-2302(2)	No Provision	No Provision	Interest penalties shall be due automatically when bills become overdue. It shall be up to each vendor to calculate and invoice interest at the time payment is due on the principal. Interest at statutory rate. §67-2302(3) (7)	
<i>Illinois - Private</i>	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)
<i>Illinois - Public</i>	Title 50 ILCS505/1 - 505/9 (localities); title 30 ILCS 540/0.01- 540/7 (state).	90 days after invoice (30 to approve + 60 to pay). STATE: 30 ILCS 540/3 2(1.05) 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, .033% per day, for primes. STATE: 30 ILCS 540/3-2(1.05); 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.	
<i>Indiana - Private</i>	None	na	na	na	na	
<i>Indiana - Public</i>	Burns Ind. Code Ann. § 5-17-5-1	State: 35 days after invoice. IC 5-17-5-1(b)(1). Localities: at least 45 days after invoice. IC 5-17-5-1(c)(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.	
<i>Iowa - Private</i>	None	na	na	na	na	na
<i>Iowa - Public</i>	Iowa Code §§ 573.12 and 573.14.	Per contract, or Within 40 days, unless a greater time period not to exceed 50 days. §573.14	7 days after the contractor receives payment for that subcontractor's work, or, a reasonable time after the contractor could have received payment for the subcontractor's work, if the reason for nonpayment is not the subcontractor's fault. §573.12(2)	No Provision	Interest shall accrue during the period commencing on day 31 following the completion of work and ending on the date of payment. §573.14	If the contractor receives an interest payment under section 573.14, the contractor shall pay the subcontractor a share of the interest payment proportional to the payment for that subcontractor's work. §573.12(3)
<i>Kansas - Private</i>	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.

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<i>Kansas - Public</i>	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 37days after invoice.
<i>Kentucky - Private &amp; Public</i>	KRS 371.400 to 371.425: (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
<i>Louisiana - Private</i>	L.a. Rev. Stat. §9:2784	No Provision	14 days after payment.§ 9:2784(c)	14 days after payment.§ 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.” § 9:2784(c)	If for any reason the contractor receives less than the full payment from the owner, then the contractor shall be obligated to disperse only the funds received on a prorated basis with the contractor, subcontractors, and suppliers each receiving a prorated portion based on the amount due on the payment. § 9:2784(b)
<i>Louisiana - Public</i>	L.a. Rev. Stat. §9:2784; 38:2191	All progressive stage payments and final payments shall be paid by contract. Final payment within 45 days after receipt of “clear lien certificate.” §38:2191(A) (B)	14 days after payment.§ 9:2784(c)	14 days after payment.§ 9:2784(c)	Legal interest and attorney fees for bad faith. §48:251.5(c) ; 38:2191(B)	
<i>Maine - Private &amp; Public</i>	10 M.R.S. § 1113; 1114; 1118. 5 M.R.S. § 1554	Progress payments per contract. 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.” §1113(1) - (3). Within 25 days after receipt of invoice, or within 15 days following another date by contract. 5 M.R.S. § 1554	Per contract or notwithstanding any contrary agreement, 7 days after payment or invoice, whichever is later. §1114(1)	Per contract or notwithstanding any contrary agreement, 7 days after payment or invoice, whichever is later. §1114(1)	Interest at statutory rate, plus 1% per month penalty; Attorneys’ fees for “substantially prevailing party.” §1118. State shall be liable for reasonable late fee. 5 M.R.S. § 1554	
<i>Maryland - Private</i>	Md. Code, Real Property, §§ 9- 301 to 9-304.	Progress payments as agreed; final payment 30 days after completion unless	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.”	

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<i>Maryland - Public</i>	Md. State Fin. & Proc. §§ 15-101 to 15-108, 15-226.	30 days after the later of: (1) payment becomes due under procurement contract or (2) receipt of invoice	10 days after payment. (§ 15-226)	10 days after payment (§ 15-226)	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)
<i>Massachusetts - Private</i>	M.G.L. c. 149, §29E	Requisitions must be acted on within 15 days of submittal. Complete or partial rejection must be written, include detailed reasons and contain a certification of good faith. Payment is due within 45 days of approval. A non-paid contractor has an absolute right to stop work (subject to contract notice provisions) 30 days after payment is due, unless there is a good faith dispute as to whether payment is owing.	Same, but add 7 days to all time limits (i.e., approve/ reject within 14 days; pay within 52 days; stop work after 37 days). Unless work is defective, pay-if-pay clause is unenforceable, except where (a) the owner is insolvent and (b) the party who wishes to invoke pay-if-pay has filed a mechanic's lien before submitting its first requisition and taken all steps necessary to maintain that lien.	Same, but add an additional 7 days to all time limits for each lower tier (i.e., +14 for second-tier, +21 for third-tier, etc.)	Nothing in §29E, but general interest statute adds 12% to judgments in contract actions. No provision for legal fees.	Applies to all private projects worth over \$3,000,000, except for construction of not more than 4 dwelling units.
<i>Massachusetts - Public</i>	MGL c. 30 §§ 39F, 39G, 39K; cf. 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.
<i>Michigan - Private</i>	None	na	na	na	na	
<i>Michigan - Public</i>	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.	
<i>Minnesota - Private</i>	Minn. Stat. §337.10		Within 10 days after receipt of payment. §337.10(3)	Within 10 days after receipt of payment. §337.10(3)	Interest at 1.5% per month; Attorneys' fees for "party requesting payment who prevails in a civil action to collect." §337.10(3)	



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<i>Minnesota - Public</i>	Minn. Stat. §§15.71-74; 16A.124 - 16A.1245; 137.36	Monthly payments, unless otherwise agreed to. §15.72(1). Within 30 days following the receipt of the invoice for services. §16A.124(3). 35 or 45 days after invoice or receipt of service whichever is later unless otherwise agreed. § 471.425(2)	Within 10 days of the prime contractor's receipt of payment from the state. §16A.1245; §471.425(4); 137.36	No Provision	1.5 % per month. §16A.124(5) and University of MN §137.36; §16A.1245; §471.425(4)	Retainage may not exceed 5%. §15.71-74(2)
<i>Mississippi - Private</i>	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.	
<i>Mississippi - Public</i>	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.	
<i>Missouri - Private</i>	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.	
<i>Missouri - Public</i>	Rev. Mo. Stat. § 34.057.	Progress payments 30 days after the latter of (a) date of delivery of material, or performance; (b) date of invoice delivery; (c) date contractor approves owner’s estimate. Final payment is due within 30 days of due date as defined in statute.	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.	Line item release of retainage may occur early less 150% of the value of punch list. Upon substantial completion at least 98% of retainage, less off-sets/deductions, shall be paid within 30 days after acceptance with proper documentation. Retainage may not exceed 5% on prime contracts over \$50,000 and 10% on jobs under .
<i>Montana - Private &amp; Localities</i>	§28-2-2101 to 28-2-2117, MCA (includes localities but not state agencies).	Contract must provide for monthly billing cycle for the contractor to submit monthly progress payment requests and final payment requests to the owner. 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. §28-2-2103 (1)	Within 7 days after a contractor receives a periodic or final payment. Payment is not required unless subcontractor provides contractor with invoice. §28-2-2103 (2)	Within 7 days after a subcontractor receives a periodic or final payment. Payment is not required unless subcontractor provides contractor with invoice. §28-2-2103 (3)	1.5 % per month. Contractor/Subcontractor shall ensure that any interest accrued on a delayed payment is distributed by the contractor to subcontractors or, subcontractor to lower tiers on a pro rata basis. §28-2-2104. Prevailing party is entitled to reasonable attorney fees and costs, both for trial and appeal and “may” be awarded in arbitration.” §28-2-2105	

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<i>Montana - Public</i>	Mont. Code §§ 17-8-241 to 17-8-244 (for localities see Private); §§ 28-2-2103(2) & (3) (payment of subcontractors). state agency”).	30 days after invoice or receipt of services, whichever is later, unless otherwise agreed. §17-8-242	Within 7 days after a contractor receives a periodic or final payment. Payment is not required unless subcontractor provides contractor with invoice. §28-2-2103 (2)	Within 7 days after a contractor receives a periodic or final payment. Payment is not required unless subcontractor provides contractor with invoice. §28-2-2103 (2)	Interest for prime at 0.05% -per day in absence of good -faith dispute §17-8-242(1)	
<i>Nebraska - Private</i>	None	na	na	na	na	
<i>Nebraska - Public</i>	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	
<i>Nevada - Private</i>	Nev. Rev. Stat. §§ 624.606 to 624.630.	Progress Payments- 21 days after invoice OR as otherwise agreed § 624.609(1) Final Payment- 30 days after availability of improvement for intended use OR occupancy or use by owner. § 624.620(1)	10 days after payment or as otherwise agreed, whichever is earlier § 624.624(1)(a); OR 30 days after the date a request for payment is submitted § 624.624(1)(b)	10 days after payment or as otherwise agreed, whichever is earlier § 624.624(1)(a); OR 30 days after the date a request for payment is submitted § 624.624(1)(b)	Interest agreed rate OR at statutory prime rate plus 4%, whichever is higher § 624.630; attorneys’ fees “may” be awarded to prevailing party if statutory right to suspend and to terminate is exercised §§ 624.610(6), 624-626(6)	Right to suspend controlled by statute §§ 624.610(1), 624.626(1) §§624.624-626 §§ 624.624-624 do not apply to FAA contracts, which are controlled by Acquisition Management System (Erection Co. v. Archer Western Contrs., LLC, No. 2:12-cv-00612-MMD-NJK, 2014 U.S. Dist. LEXIS 36180 (D. Nev. Mar. 17, 2014))
<i>Nevada - Public</i>	Nev. Rev. Stat. §§ 338.400-338.645		10 days after payment.	10 days after payment.	Interest at one statutory rate for primes and another for subs	
<i>New Hampshire - Private</i>	None	na	na	na	na	na
<i>New Hampshire - Public</i>	None	na	na	na	na	na
<i>New Jersey - Private &amp; Public</i>	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. NJSA. 2A:30A-2(d)
<i>New Mexico - Private &amp; Public</i>	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 presentment of required documents.	7 days after payment.	7 days after payment.	Interest at 1.5% per month; court “may” award attorneys’ fees.	

## Prompt Payment for Commercial Construction

STATE	CITE	OWNER TO PRIME	PRIME TO SUB	SUB TO LOWER TIERS	INTEREST / FEES	OTHER COMMENTS
<i>New York - Private</i>	N.Y. General Business Law §§ 756 et seq. (hereinafter NY GBL)	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 (NY GBL §756-a(3)(a); owner gets time extension if lender fails to disburse loan and lender is legally required to do so. (NY GBL §756-a(3)(a)(iii).	Subcontractor to be paid on interim and final invoice within 7 days after receipt of payment by contractor from owner. (NY GBL §756-a(3)(b))	Subcontractor to be paid on interim and final invoice within 7 days after receipt of payment by subcontractor from contractor. (NY GBL §756-a(3)(b))	1% per month from the day following the date payment due or a higher rate if set by contract (NY GBL §756-b(1)).	Contractor or Sub must disclose to its Sub at the time of contract, the due date for payments from the owner or the contractor. NY GBL§ 756-a(4); Right to suspend work for failure to approve/pay invoice on 10 days notice controlled by statute. NY GBL§ 756-b(2), 757(2).
<i>New York - Public</i>	NY State Finance Law §§ 139-f, 179-f (pt. of Art. 11-A) (hereinafter NY SFL); NY General Municipal Law § 106-b; (hereinafter NY GML)	30 days after invoice for public agencies, authorities and corporations; (SFL §179-f(2)); Public owner to approve and promptly pay less 2x value of any items to be completed (SFL §139-f(1)) (GML §106-b(1))	Subcontractor to be paid 7 days after receipt of payment by contractor. (SFL §139-f(2))(GML §106-b(2))	Same as Prime to Sub terms	Interest for late payment is determined according to the overpayment rate set by the Commissioner of Taxation and Finance per Tax Law §1096(e) (SFL §179-g & 139-f(2)) (GML §106-b)	Right to stop work may be denied by Agreement; Retainage limited to 5% unless, if prior to entering into subcontract, Contractor requests bond and Sub is unable or unwilling to provide same; otherwise 10%. (SFL §139-f (1)&(2); GML §106-b (1)&(2))
<i>North Carolina - Private</i>	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.	
<i>North Carolina - Public</i>	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.	
<i>North Dakota - Private</i>	None	na	na	na	na	na
<i>North Dakota - Public</i>	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.	
<i>Ohio - Private</i>	Ohio Rev. Code §§ 4113.61.	No Provision	10 days after payment. § 4113.61(A)(1).	10 days after payment. § 4113.61(A)(2).	Interest at 18% per year. § 4113.61(A)(3) -& (4).; Attorneys' fees to prevailing party.	
<i>Ohio - Public</i>	Ohio Rev. Code §§ 126.30.	30 days after invoice unless otherwise agreed.	See Private	See Private	Interest at statutory rate for primes, compounded monthly § 126.30(E); see Private for subs;	
<i>Oklahoma - Private</i>	None	na	na	na	na	na

## Prompt Payment for Commercial Construction

STATE	CITE	OWNER TO PRIME	PRIME TO SUB	SUB TO LOWER TIERS	INTEREST / FEES	OTHER COMMENTS
<i>Oklahoma - Public</i>	Okla. Stat., Title 61, §§ 221-227 (highway excluded); Title 61, §§ 113.1- 113.3 (retainage generally);	No Provision	10 days after payment.	7 days after payment.		Right to suspend controlled by statute.
<i>Oregon - Private</i>	Or. Rev. Stat. § 701.620 et seq.	14 days after invoice for progress payments; 7 days after acceptance for final payments §701.625	7 days after payment. §701.630	7 days after payment. §701.630	Interest at 1.5% per month from date payment is due for primes and subs. §§ 701.625(11), 701.630(6). Atty fees for "prevailing party." §§ 701.625(14), 701.630(7).	na
<i>Oregon - Public</i>	Or. Rev. Stat. §§ 279C.320, .505, .570, .580	30 days after invoice for progress payments; 30 days after acceptance for final payment. § 279C.570(2), (8)	10 days after payment. § 279C.580(3)(a)	10 days after payment. § 279C.580(3)(a)	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. § 279C.570(2), (8)	
<i>Pennsylvania - Private</i>	73 P.S. §§ 501-516 (excludes improvements to real property consisting of six or fewer residential units constructed simultaneously or contracts for purchase of materials by a person performing work on her own property)	20 days after invoice unless otherwise agreed for progress payments; 30 days after final acceptance for final payment. § 505(c), 509(a)	14 days after payment § 507(c)	14 days after payment § 507(c)	1% per month unless otherwise agreed § 505(c); additional penalty of 1% per month for amounts "wrongfully withheld" § 512(b); Fees to substantially prevailing party. § 512(b)	
<i>Pennsylvania - Public</i>	62 Pa. Con Stat. §§ 3931-3935	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. § 3932(b)	14 days after payment § 3933(c)	14 days after payment § 3933(c)	Interest at statutory rate for overdue taxes §§ 3932(c), 3933(d); 1% per month additional penalty for amounts "withheld in bad faith" § 3935(a); Attorneys' fees "may" be awarded but only in cases of "bad faith." § 3935(B)	
<i>Rhode Island - Private</i>	None	na	na	na	na	

## Prompt Payment for Commercial Construction

STATE	CITE	OWNER TO PRIME	PRIME TO SUB	SUB TO LOWER TIERS	INTEREST / FEES	OTHER COMMENTS
<b>Rhode Island - Public</b>	R.I. Gen. Laws §§ 42-11.1-1 to 42-11.1-16	30 days of receipt of proper invoice or per contract. R.I. § 42-11.1-3(a)	10 days after payment. R.I. § 42-11.1-3(b)	No Provision	Interest at prime rate for prime, no provision for subs, must file notice of claim for interest to start; No fees provision	Doesn't apply to contractors or subs from contracts awarded by Dep. Of Transportation. Jh Lynch & Sons v Travelers, 783 Fed. Sup.2nd 294, casualty which stated that a pay when paid clause does not prohibit a sub from bringing a suit for payment under the miller act
<b>South Carolina - Private</b>	S.C. Code §§ 29- 6-10 et seq.	21 days after invoice § 29- 6-30	7 days after payment § 29- 6-30	7 days after payment § 29- 6-30	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 § 29- 6-50	
<b>South Carolina - Public (Same as Private)</b>	S.C. Code §§ 29- 6-10 et seq.	21 days after invoice § 29- 6-30	7 days after payment § 29- 6-30	7 days after payment § 29- 6-30	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 § 29- 6-50	
<b>South Dakota - Private</b>	None	na	na	na	na	na
<b>South Dakota - Public</b>	S.D. Codified Laws §§ 5-26-1 to 5-26-8	45 days after invoice unless otherwise agreed.	30 days after payment.	No Provision		
<b>Tennessee - Private</b>	Tenn. Code §§ 66-34-101 to 66- 34-703	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 condition precedent for payment 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."	If Architect contracts with an owner: entitled to payment in the same manner as a prime contractor. With prime, sub, or lower: entitled to payment in the same manner as sub. 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
<b>Tennessee - Public</b>	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.	
<b>Texas - Private</b>	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.

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## Prompt Payment for Commercial Construction

STATE	CITE	OWNER TO PRIME	PRIME TO SUB	SUB TO LOWER TIERS	INTEREST / FEES	OTHER COMMENTS
<i>Texas - Public</i>	Tex. Govt. Code §§ 2251.001	31 days after invoice or receipt of goods or services whichever is later. Tex. Govt. Code §2251.021	10 days after payment. Tex. Govt. Code §2251.022.	10 days after payment. Tex. Govt. Code §2251.023	Interest at prime plus 1%. Tex. Govt. Code § 2251.025.; fees for “prevailing party.” Tex. Govt. Code § 2251.043	A payment is considered mailed on the date it is postmarked. Tex. Govt. Code §2251.024.
<i>Utah - Private</i>	Utah Code §§ 13-8-5, 58-55- 603.	No provision for progress payments; final retention payment 45 days from later of invoice or certificate of occupancy or final acceptance notice or partial/complete	Progress payments 30 days after payment; final retention payment 10 days after payment.	30 days after payment; final retention 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).
<i>Utah - Public</i>	Utah Code §§ 13-8-5, 15-6-1 to 15-6-6	60 days unless otherwise agreed for progress payments; final retention payment 45 days after later of invoice or certificate of occupancy or final acceptance notice or partial/complete occupancy.	Progress payments 30 days after payment; final retention payment 10 days after payment.	Progress payments see Private; final retention 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.
<i>Vermont - Private &amp; Public</i>	Vt. Stat., Title 9, §§ 4001-4009	Progress payments: 20 days after invoice submitted at the end of the billing period; Final payment: 30 days after final completion, unless otherwise agreed. § 4002(c)	7 days after progress or final payment, OR upon receipt of invoice, unless otherwise agreed § 4003(c)	7 days after progress or final payment, OR upon receipt of invoice, unless otherwise agreed § 4003(c)	Interest at statutory rate § 4002(d) ; Attorneys’ fees for prevailing party § 4007(c) ; Penalty of 1% per month for amounts “wrongfully withheld.” §4007(b)and penalty of 1.5% per month for amounts “wrongfully withheld.”	
<i>Virginia - Private</i>	None	na	na	na	na	na
<i>Virginia - Public</i>	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
<i>Washington - Private</i>	None	na	na	na	na	na
<i>Washington - Public</i>	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. § 37.76.011	10 days after payment. §39.04.250(1)	10 days after payment. §39.04.250(1)	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	

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## Prompt Payment for Commercial Construction

STATE	CITE	OWNER TO PRIME	PRIME TO SUB	SUB TO LOWER TIERS	INTEREST / FEES	OTHER COMMENTS
<i>West Virginia - Private</i>	None	na	na	na	na	na
<i>West Virginia - Public</i>	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.
<i>Wisconsin - Private</i>	None	na	na	na	na	na
<i>Wisconsin - Public</i>	Wis. Stat. §§ 16.528 (state); 16.53(2) (rejection of invoice); 66.0135 (local).	30 days after invoice or receipt “and acceptance” of services.	7 days after payment.	7 days after payment.		Payments are timely if "mailed, delivered or transferred" to the subcontractor within 7 days after the principal contractor receives payment from the owner.
<i>Wyoming - Private</i>	None	na	na	na	na	na
<i>Wyoming - Public</i>	Wyo. Stat. §§ 16- 6-601 to 16-6-602.	45 days after invoice	No Provision	No Provision		