

Fifty State Survey of Prompt Payment Acts for Construction Contracts

State	Citation	Owner To Prime Contractors	Prime To Subcontractors	Subcontractors To Lower Tiers	Interest / Penalties
Federal Public Contracts	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; compounded monthly. No fees provision.
Alabama Private	Ala. Code §§ 8-29-1 to 8-29-8. (Excludes residential homebuilders, contracts for less than 16 residential units, contracts for less than \$10,000).	30 days after receipt of pay request unless otherwise agreed.	7 days after receipt of payment unless otherwise agreed.	7 days after receipt of payment unless otherwise agreed.	1% per month; attorneys' fees to the prevailing party.
Alabama Public	Ala. Code § 41-16-3.	30 days after invoice.	7 days after payment unless otherwise agreed.	7 days after payment unless otherwise agreed.	Interest at current statutory rate. No fees provision.
Alaska Private	None.				
Alaska Public	Alaska Stat. §§ 36.90.200 to 36.90.290. (Interest rate on amounts due set by Alaska Stat. § 45.45.010.)	30 days after payment request; but if the political subdivision is planning to use grant money for payment, 21 days from later of invoice or political subdivision's actual receipt of grant money, whichever is later.	8 working days after receiving payment.	8 working days after receiving payment.	Interest at 10.5% per year, accruing from the 21st day after payment is due for payments to the prime or accruing from the date due for the lower tiers. No fees provision.

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Arizona Private	Ariz. Rev. Stat. §§ 32-1129 to 32-1129.06.	7 days after approval of invoice (i.e., not more than 21 days after invoice) unless otherwise provided in the contract, bid, plans or specs.	7 days after receipt of each progress or final payment.	7 days after receipt of each progress or final payment.	1.5% per month; attorneys' fees to successful party in any action or arbitration.
Arizona Public	Ariz. Rev. Stat. §§ 34-221,41-2576, 41-2577, 28-6924 (highway), schools exempt: § 15-213, § 12-341.01.	Progress payments 14 days after invoice approved (i.e., not more than 21 days after invoice). Final payment 60 days after acceptance.	7 days after payment "unless otherwise agreed" except no contract may "materially alter" a contractor/subcontractor/supplier's right to "prompt and timely payment."	7 days after payment "unless otherwise agreed" except no contract may "materially alter" a contractor/subcontractor/supplier's right to "prompt and timely payment."	1% per month; court may award the successful party reasonable attorney fees.
Arkansas Private	None.				
Arkansas Public	Ark. Code § 19-4-1411, §§ 22-9-201 to 22-9-205.	Maximum of 5 working days after invoice, excluding time of transmittal from one party to another. 90 days after invoice (public improvements).	No provision.	No provision.	8% per annum. No fees provision. 10% per annum (public improvements).
California Private	Cal. Bus. & Prof. Code § 7108.5; Cal. Civ. Code § 8800, 8810-8822.	Progress payment 30 days after invoice. Retention payment 45 days after project completion.	7 days after payment unless otherwise agreed. Retention payment 10 days after receipt of payment.	7 days after payment unless otherwise agreed.	2% per month; attorneys' fees to "prevailing party."

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California Public	Cal. Bus. & Prof. Code § 7108.5; Civil Code § 8802; Cal. Pub. Cont. Code §§ 7107, 10261.5, 10262.5, 10853.	30 days after invoice (39 days for state universities); retention payment 60 days after completion.	7 days after payment; 21 days after receipt of progress payment from the public utility.	7 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 10% per year; attorney's fees for "wrongfully withheld" funds.
Colorado Private	None.				
Colorado Public	Colo. Rev. Stat. §§ 24-91-101 to 24-91.103. (2013 CO H.B. 1090 (NS) introduced – applies to public and private).	"At the end of each calendar month, or as soon thereafter as practicable." (30 days for progress payments.)	7 days after receipt of payment. (30 days for progress payments.)	7 days after receipt of payment.	For payments to subcontractors, 15% per annum or amount specified in contract "whichever is higher." No fees provision.
Connecticut Private	Conn. Gen. Stat. §§ 42-158i to 42-158j.	30 days after written request for payment.	30 days after receipt of payment.	30 days after receipt of payment.	1% per month beginning 10 days after notice of nonpayment received by owing party; attorneys' fees only upon finding payment "unreasonably withheld."

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Connecticut Public	Conn. Gen. Stat. §§ 4a-71 to 4a-75, 49-41a, 49-41c.	45 days after invoice unless otherwise agreed.	30 days after payment.	30 days after payment.	For payment to prime interest at rate equal to “monthly effective yield for the [state's] Short Term Investment Fund. No fees provision.
Delaware Private	Del. Code, Title 6, §§ 2301, 3501 to 3509. (Excludes construction of 6 or fewer residential units).	Within 30 days after invoice or “end of the billing period.”	15 days after payment unless otherwise agreed.	15 days after payment unless otherwise agreed.	Unless otherwise agreed, the legal rate of interest is 5% over the Federal Reserve Discount Rate. Unless otherwise agreed, attorneys’ fees to “substantially prevailing party.” Additional damage award for “amounts wrongfully withheld” is permitted.

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Delaware Public	Del. Code, Title 29, § 6516(f).	Progress payments determined by contracts for 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 federal approval is needed. Final payment due 60 days after final completion and acceptance.	21 days after payment unless otherwise specified in writing.	21 days after payment unless otherwise specified in writing.	Interest is not to exceed prime interest rate as established by the Federal Reserve plus 2%; No fees provision. Additional damage award for "amounts wrongfully withheld" is permitted.
D.C. Private	D.C. Code § 27-131 to 136.	15 days after occupancy permit, owner takes possession, or invoice, whichever is earlier.	7 days after payment.	7 days after payment.	1.5% per month; if contractor or subcontractor prevails, costs and disbursements, including reasonable attorney's fees.
D.C. Public	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 but computed at a rate not less than 1%; No fees provision.

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Florida Private	Fla. Stat. §§ 713.346, 715.12.	Per contract; payment within 14 days after proper invoice.	Per contract. Must pay undisputed obligations within 30 days after payment becomes due, or within 30 days after invoice for the work is received.	Per contract. Must pay undisputed obligations within 30 days after payment becomes due, or within 30 days after invoice for the work is received.	Interest at judgment rate; reasonable attorneys' fees for prevailing party.
Florida Public	Fla. Stat. §§ 255.0705 et seq., 215.422. Localities: §§ 218.70 et seq. FDOT: § 337.141.	30 days after invoice; Localities: 25 business days after invoice if approval needed by local board or 20 business days after invoice if no approval needed; FDOT (highways) 75 days from final field acceptance for final payment.	10 days after payment.	7 days after payment.	Interest at 1% per month. ; Attorneys' fees for prevailing party in payment disputes between contractors and subs and suppliers if the "non-prevailing party" wrongfully withheld any portion of payment without any reasonable basis in law or in fact.
Georgia Private	Ga. Code §§ 13-11-1 to 13-11-11. (Excludes contracts for improvements to real property intended for residential purposes which consists of 12 or fewer residential units).	15 days after invoice.	10 days after payment.	10 days after payment	Interest at 1% per month unless otherwise agreed; Attorney's fees for prevailing party.

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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).	10 days after payment.	10 days after payment.	Interest at 1% per month unless otherwise agreed; Fees for prevailing party.
Hawaii Private	HRS §§ 444-1 and 444-25.	No provision.	10 days after invoice, but may be contingent on receipt of funds held in escrow or trust if disclosed on bid solicitation.	10 days after invoice, but may be contingent on receipt of funds held in escrow or trust if disclosed on bid solicitation.	Interest at 1.5% per month beginning on the 10th day following receipt of the statement by the contractor. No fees provision.
Hawaii Public	HRS §§ 103-10 to 103-10.5. HB 3036.	30 days after invoice.	10 days after payment.	See Private.	Interest at prime plus 2% for prime contractor, commencing the 30th day following receipt of invoice; subs get 1.5% per month if final payment is delayed by responsible party; No fees provision.
Idaho Private	None.				
Idaho Public	Idaho Code §67-2302.	60 days after invoice unless otherwise agreed.	No provision.	No provision.	Interest at the midterm federal rate plus 2% for prime contractor. Should vendor prevail, reasonable attorney's fees.

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Illinois Private	Title 815 ILCS 603/1-603/99. (Excludes projects of single family residences or multi-family residences with 12 or fewer units in a single building).	40 days after invoice (25 to approve, 15 to pay after approved). Payment deemed approved 25 days after receipt of invoice unless Owner notifies contractor in writing of reason for withholding payment.	15 days after payment.	15 days after payment.	Interest at the rate of 10% per annum. No fees provision.
Illinois Public	Title 50 ILCS505/1 -505/9 (localities); Title 30 ILCS 540/0.01-540/7 (state).	60 days after invoice (30 days to approve the invoice and then 30 days to pay).	15 days after payment.	15 days after payment.	Interest at 1% per month for primes; 2% per month for subs and sub-subs; No fees provision.
Indiana Private	None.				
Indiana Public	Ind. Code §§ 5-17-5-1 to 5-17-5-5, 5-16-5.5-1 to 5-16-5.5-8. (Excludes contracts less than \$200,000).	State: 35 days after invoice for progress payments. 61 days following the date of substantial completion for final payment. Localities: at least 45 days after invoice. Some highway projects are subject only to highway dept. rules.	10 days after receipt of any payment by state agency.	No provision.	Interest at 1% per month, which must be distributed to subcontractors if contractor was “unable to make timely payments;” No fees provision.
Iowa Private	None.				

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Iowa Public	Iowa Code §§ 573.12 and 573.14.	14 days after invoice for progress payments, but up to 30 days if otherwise agreed in contract; 40 days after acceptance for final payment, but up to 50 days if otherwise agreed to in contract.	7 days after payment.	No provision.	Interest rate depends on the state committee; No fees provision.
Kansas Private	Kan. Stat. 16-1801 to 16-1807. (Excludes construction of single family and multifamily residential housing of 4 units or less).	30 days after receipt of timely, completed, and undisputed request for payment.	7 business days after payment.	7 business days after payment.	Interest at 18% per year; fees for “prevailing party.” 16-1806.
Kansas Public	Kan. Stat. §§ 75-6401 to 75-6407 (75-6406 repealed) and 16-1901 to 16-1908, highway excluded.	Unless otherwise agreed, 30 days after request for payment or up to 45 days in cases of extenuating circumstances.	7 days after payment.	7 days after payment.	Interest at 1.5% per month; Fees for “prevailing party”.

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Kentucky Public and Private	KRS 371.400 to 371.425; §§ 45.451 45.458 (prompt payment by government in general). Applies to payments on contracts entered on or after June 26, 2007. Excludes residential construction and construction for regulated utilities.	30 business days after request for payment; contractor must give notice of nonpayment after 25 business days; 45 business days for progress payments by post-secondary institutions and board of education; final payment 30 days after substantial completion.	15 business days after payment.	15 business days after payment.	Interest at 12% per year; attorney fees only if losing party “acted in bad faith.”
Louisiana Private	La. Rev. Stat. § 9:2784 (Excludes contracts for construction of immovables for residential purposes).	No provision.	14 days after payment.	14 days after payment.	Penalty of .5% per day, not to exceed 15% of the payment due; attorneys’ fees for collection; any fees associated with defending against claim can be awarded if claim “without merit.”

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Louisiana Public	La. Rev. Stat. §§ 9:2784, 38:2191, 48:251.5 (highway)	Progress payments per contract; final payment within 45 days after receipt of “clear lien certificate.” Highway contracts: 30 days after invoice for progress payments and 45 days after substantial completion.	See Private.	See Private.	Highway primes entitled to legal rate of interest; other primes get no interest; subcontractors entitled to .5% per day up to 15% of payment due; attorney fees to prevailing party; public entity subject to mandamus to compel payment of sums due. Legal interest and attorney fees for bad faith.
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)); cf. Title 5, §§ 1551 <i>et seq.</i> (prompt payment by government in general).	Except as otherwise agreed, payment of interim and final invoices is due from the owner 20 days after the end of the billing period or 20 days after delivery of the invoice, whichever is later.	Notwithstanding any contrary agreement, 7 days after payment or invoice, whichever is later.	Notwithstanding any contrary agreement, 7 days after payment or invoice, whichever is later.	Interest at statutory rate, plus 1% per month penalty for the prevailing party; Attorneys’ fees for “substantially prevailing party.”

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Maryland Private	Md. Code, Real Property, §§ 9-301 to 9-304.	Payment 30 days after occupancy permit granted or 30 days after owner takes possession unless otherwise agreed. If the contract provides for specific dates or times of payment, pay to the contractor undisputed amounts owed within 7 days after the date or time specified in the contract.	7 days after payment.	7 days after payment.	Interest from the date the court determines that the amount owed was due; 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.	30 days after payment comes due under contract or 30 days after the agency received invoice.	10 days after payment.	10 days after payment.	Interest at 9% per year for prime beginning the 31st day; no provision on interest for subs. No fees provision.

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Massachusetts Private	M.G.L.A. 149 § 29E, Applies to projects with original contract price of \$3 million or more, entered into after 11/8/10. Does not apply to projects of 1-4 residential units. M.G.L.A. 231 § 6C.	Progress payments: Invoice must be given within 30 days beginning w/ end of 1st calendar month at least 14 days after performance commenced; Invoice must be approved or rejected within 15 days; and Payment must be made within 45 days after approval.	Same, except has 22 days (15+7) to approve/reject invoice. Pay when paid provision is void and unenforceable.	Same, except has 29 days (22+7) to approve/reject invoice. Pay when paid provision is void and unenforceable.	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); § 29F.	Progress payments: 15 days after invoice but 30 days in the case of the commonwealth, including local housing authorities; Final payment due within 65 days of substantial completion; invoice for retainage to be paid 30 days from submission.	Progress payments due immediately after receiving payment; final payment to "filed subcontractors" 65 days after substantial completion of that subcontractor's work; retainage payment to be extended 7 additional days from prime requirement.	Retainage payment to be extended 7 additional days from subcontractor requirement.	Federal Reserve "rediscount rate" plus 3% for prime to be prorated to affected subs; Public works payment bond statute provides legal fees for successful claimants. State must act on subcontractor assertions of nonpayment by providing direct payment to the subcontractor.
Michigan Private	None.				

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Michigan Public	M.C.L.A. §§ 125.1561—125.1565 (highway, housing, schools excluded). Contract of less than \$30,000 or contracts that provide for 3 or fewer payments are also 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.
Minnesota Private	Minn. Stat. § 337.10.	Monthly progress payments unless otherwise agreed.	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 (excludes projects federally funded), 16A.124-16A.1245 (prompt payments of state agency bill generally required), 137.36 (University of MN), 471.425 (localities).	Monthly progress payments, unless otherwise agreed; for localities, 35 (localities with regularly scheduled monthly meetings) or 45 days (localities without regularly scheduled monthly meetings) after invoice or receipt of service whichever is later unless otherwise agreed; for U of MN, 30 days after invoice.	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.

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Mississippi Private	Miss. Code. §§ 87-7-3, 87-7-5. (Construction of single family dwellings are excluded).	Progress payments within 30 days from which they are due under contract; final payment 30 days after substantial completion, certification, or use by owner.	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, but must be paid within 45 days or subject to interest; final payment 45 days after substantial completion, certification, or use by owner.	15 days after payment.	No provision.	Interest at 1% per month for prime; penalty of 0.5% per day up to 15% of outstanding balance for subs; No fees provision.
Missouri Private	Mo. Rev. Stat. § 431.180. (Excludes contracts for owner-occupied residential property of 4 units or less).	As agreed.	As agreed.	As agreed.	Court may award up to 1.5% interest per month and attorneys' fees to prevailing party.

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State	Citation	Owner To Prime Contractors	Prime To Subcontractors	Subcontractors To Lower Tiers	Interest / Penalties
Missouri Public (see Private for Localities)	Mo. Rev. Stat. § 34.057.	Progress payments 30 days of invoice or receipt of service whichever is later; final payment 30 days after completion or certification by contracting authority, architect, or engineer.	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 Public	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”). Excludes residential projects of less than \$40,000.	Monthly unless alternate payment disclosed in the bid documents; invoices deemed approved after 21 days unless alternate payment disclosed in bid docs; payment due 7 days after approval unless alternate payment disclosed in the bid docs.	7 days after payment.	7 days after payment.	Interest at 1.5% per month; Attorneys fees’ for prevailing party in court and may be awarded in arbitration.
Nebraska Private	Neb. Stat. §§ 45-1201 to 45-1211. Does not apply to residential with 4 or fewer units or contracts entered into before 10/1/10. Includes political subdivisions.	30 days after receipt of payment request made pursuant to the contract.	10 days after payment.	10 days after payment.	1% per month or a pro rata fraction thereof on the unpaid balance.

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Nebraska Public	Neb. Stat. §§ 81-2401 to 81-2408 (also applies to U. of Nebraska and Nebraska State Colleges). Neb. Stat. § 39-1349 (highway construction).	45 days after invoice or receipt of services whichever is later. Highway construction: final payments 60 days after project is tentatively accepted.	No provision.	No provision.	Interest at statutory rate for prime; for highway construction, 3 points above the average federal composite prime lending rate for prior calendar year; 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 or on or before date payment is due, whichever is earlier.	10 days after payment or on or before date payment is due, whichever is earlier.	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.
Nevada Public	Nev. Rev. Stat. §§ 338.400-338.645. (§§ 338.515, 525, 530, 555, 560, 595, 600 set to expire 6/30/15).	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.				
New Hampshire Public	None.				

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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.
New Mexico Public and Private	N.M. Stat., §§ 57-28-1 to 57-28-11. (Excludes construction contracts for residential property containing 4 or fewer dwelling units).	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.

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New York Private	N.Y. Gen. Bus. Law §§ 756 et seq.	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% per month; no fees provision.
New York Public	N.Y. 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; for municipalities, 45 days after invoice.	7 days after payment.	7 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.

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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.
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.				
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. No fees provision.
Ohio Private	Ohio Rev. Code §§ 4113.61.	No provision.	10 days after payment.	10 days after payment.	Interest at 18% per year; attorneys' fees to prevailing party.
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; see Private for subs. No fees provision.
Oklahoma Private	15 Okl. Stat. § 820. (Does not apply to residential dwellings of 4 or fewer units).	28 calendar days after receipt of billing or as agreed in contract.	10 days after payment or as agreed in contract.	10 days after payment or as agreed in contract.	No provision.

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Oklahoma Public	Okla. Stat., Title 61, §§ 221 to 227 (highway, railroad, and contracts less than \$25,000 excluded); Title 61, §§ 113.1 to 113.3 (retainage generally); Title 62, §§ 34.71-34.74 (prompt payment by government generally).	30 days after invoice for progress payments.	10 days after payment.	7 days after payment.	Interest for prime at statutory rate, and for sub at 1.5% per month. No fees provision.
Oregon Private	Or. Rev. Stat. §§ 701.620 et seq.	Progress payments: 14 days after invoice. Final payments: 7 days after approval and completion of project, unless otherwise conspicuously stated by the owner on drawings.	7 days after payment.	7 days after payment.	1.5% per month; attorney fees for prevailing party.
Oregon Public	Or. Rev. Stat. §§ 279C.320, .505, .515, .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; 9% per annum for prime to subs; no fees provision.

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Pennsylvania Private	73 Pa. Con. Stat. §§ 501-516. (Excludes contracts which consists of six of fewer residential units under construction simultaneously).	20 days after invoice unless otherwise agreed for progress payments; 30 days after final acceptance for final payment.	14 days after payment or receipt of subcontractor's invoice.	14 days after payment or receipt of subcontractor's invoice.	1% per month unless otherwise agreed; additional penalty of 1% per month for amounts “wrongfully withheld”; Fees to substantially “prevailing party.”
Pennsylvania Public	62 Pa. Con. Stat. §§ 3931 et seq., § 3941.	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.				
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 after payment; must pay material suppliers within 90 days of furnishing.	No provision for lower tiers; Subcontractors 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.

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South Carolina Public and Private	S.C. Code §§ 29-6-10 et seq.	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.				
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.	30 days after payment.	Interest at 1.5% per month; No fees provision.
Tennessee Private	Tenn. Code §§ 66-34-101 to 66-34-703 HB 3068. (Excludes construction of 4 single family units or less).	30 days after invoice submitted in accordance with contract schedule.	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 “non-prevailing party has acted in bad faith.”
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.	7 days after payment.	7 days after payment.	Interest at 1.5% per month; Court may award attorneys’ fees.

Fifty State Survey of Prompt Payment Acts for Construction Contracts

State	Citation	Owner To Prime Contractors	Prime To Subcontractors	Subcontractors To Lower Tiers	Interest / Penalties
Texas Public	Tex. Govt. Code §§ 2251.001 -2251.043.	31 days after invoice or receipt of services whichever is later.	10 days after payment.	10 days after payment.	Interest at prime plus 1%; attorney fees for “prevailing party.”
Utah Private	Utah Code §§ 13-8-5, 58-55-603.	No provision for progress payments; retention payment 45 days after later of invoice or certificate of occupancy.	Progress payments 30 days after payment; retention payment 10 days after payment.	30 days after payment; retention payment 10 days after payment.	Interest at 1% per month plus for subs, reasonable costs of collection and attorney’s fees. Utah Code §58-55-603; Fees for prevailing party in suit for retainage.
Utah Public	Utah Code §§ 13-8-5, 15-6-1 to 15-6-6. These provisions do not apply to contracts involving federal funds, or mixed state and federal funds.	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 subcontractor; Fees for prevailing party in suit for retainage.
Vermont Public and Private	Vt. Stat., Title 9, §§ 4001-4009, Title 12, § 2903.	20 days after end of billing period or 20 days after the delivery of invoice whichever is later.	7 days after payment or receipt of invoice whichever is later.	7 days after payment or receipt of invoice whichever is later.	12% per annum; Attorney fees for prevailing party; and penalty of 1% per month for amounts “wrongfully withheld.”
Virginia Private	None.				

Fifty State Survey of Prompt Payment Acts for Construction Contracts

State	Citation	Owner To Prime Contractors	Prime To Subcontractors	Subcontractors To Lower Tiers	Interest / Penalties
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; no fees provision.
Washington Private	None.				
Washington Public	Wash. Rev. Code §§ 39.76.011 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; interest at highest statutory rate for subs; Attorneys’ fees for “prevailing party.”
West Virginia Private	None.				

Fifty State Survey of Prompt Payment Acts for Construction Contracts

State	Citation	Owner To Prime Contractors	Prime To Subcontractors	Subcontractors To Lower Tiers	Interest / Penalties
West Virginia Public	W. Va. Code §§ 5A-3-54 (state) (repealed 3/2010, although legislature considering similar bill: "Prompt Pay Act of 2011" SB 462 (2011) and HB 3181 (2012); 7-5-7 (county), 8-13-22d (municipality), § 14-3-1.	60 days after invoice. For counties and municipalities, the invoice is received on the earlier of the postmarked date or the date the invoice is stamped as received.	No provision.	No provision.	Interest at statutory rate for primes if payment not made within 60 days. No fees provision.
Wisconsin Private	None.				
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, 1% per month. Interest at 1% per month for subs and sub-subs, beginning the 8th day after the prime receives payment from the owner (compounded monthly); Attorneys' fees to "prevailing party" in action to recover interest.
Wyoming Private	None.				

Fifty State Survey of Prompt Payment Acts for Construction Contracts

State	Citation	Owner To Prime Contractors	Prime To Subcontractors	Subcontractors To Lower Tiers	Interest / Penalties
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; No fees provision.