

**MISSOURI PROMPT PAY ACT FOR PRIVATE PROJECTS**

CONTRACTS

431.180

Note 1

**431.180. Scheduled payments pursuant to private construction contracts—  
enforcement—exemption**

1. All persons who enter into a contract for private design or construction work after August 28, 1995, shall make all scheduled payments pursuant to the terms of the contract.

2. Any person who has not been paid in accordance with subsection 1 of this section may bring an action in a court of competent jurisdiction against a person who has failed to pay. The court may in addition to any other award for damages, award interest at the rate of up to one and one-half percent per month from the date payment was due pursuant to the terms of the contract, and reasonable attorney fees, to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 435.350, RSMo, the arbitrator may award any remedy that a court is authorized to award hereunder.

3. The provisions of this section shall not apply to contracts for private construction work for the building, improvement, repair or remodeling of owner-occupied residential property of four units or less.

4. For purposes of this section, design or construction work shall include design, construction, alteration, repair or maintenance of any building, roadway or other structure or improvement to real property, or demolition or<sup>1</sup> excavation connected therewith, and shall include the furnishing of surveying, architectural, engineering or landscape design, planning or management services, labor or materials, in connection with such work.

(L.1995, S.B. No. 93, § A. Amended by L.1999, H.B. No. 343, § A.)

<sup>1</sup> Revisor's note: The word "of" appears in original rolls.

**Historical and Statutory Notes**

**1999 Legislation**

L.1999, H.B. No. 343, § A, in subsec. 1, inserted "design or"; and added subsec. 4.