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CL/JA

P.L. 2023, CHAPTER 138, *approved August 16, 2023*
Senate, No. 1442 (Second Reprint)

1 AN ACT concerning the online registration of public works
2 contractors and online submission of payroll certification and
3 amending P.L.1999, c.238 and P.L.1963, c.150.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to read
9 as follows:

10 5. a. A contractor shall register **[in writing]** electronically with the
11 department on **[a]** an online form provided by the commissioner. The
12 form shall require the following information:

13 (1) The name, principal business address and telephone number of
14 the contractor;

15 (2) Whether the contractor is a corporation, partnership, sole
16 proprietorship, or other form of business entity;

17 (3) If the contractor's principal business address is not within the
18 State, the name and address of the contractor's custodian of records
19 and agent for service of process in this State;

20 (4) The name and address of each person with a financial interest
21 in the contractor and the percentage interest, except that if the
22 contractor is a publicly-traded corporation, the contractor shall supply
23 the names and addresses of the corporation's officers;

24 (5) The contractor's tax identification number and unemployment
25 insurance registration number;

26 (6) A certification form provided by the commissioner, with
27 documentation satisfactory to the commissioner, that the contractor
28 has all valid and effective licenses, registrations or certificates required
29 by State law, including registrations or certifications required to do
30 business in the State of New Jersey, and the contractor, if directly
31 employing craftworkers, participates in a registered apprenticeship
32 program as defined in section 3 of P.L.1999, c.238 (C.34:11-56.50) for
33 each craft they employ; and

34 (7) ²A certification form provided by the commissioner, with
35 supporting documentation, establishing to the satisfaction of the
36 commissioner that the registered apprenticeship program, as defined in
37 section 3 of P.L.1999, c.238 (C.34:11-56.50), meets all of the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 27, 2023.

²Assembly floor amendments adopted June 30, 2023.

1 requirements of section 6 of P.L.2021, c.423 (C.34:11-56.55a), and 29
2 C.F.R. ss.29.3, 29.4, 29.5, 29.6 and 29.7;

3 (a) If it is determined by the commissioner that a registered
4 apprenticeship program in which the contractor participates does not
5 meet all of the requirements of 29 C.F.R. ss.29.3, 29.4, 29.5, 29.6 and
6 29.7, that determination of the commissioner shall, subject to the
7 requirements of subsection b. of section 9 of P.L.1999, c.238 (C.34:11-
8 56.56), including the contractor's right to request a hearing, result in
9 initial registration application denial, registration renewal denial,
10 revocation, or suspension of the certificate of registration to perform
11 public work in New Jersey;

12 (b) The determination of the commissioner under this paragraph
13 shall only impact the contractor's ability to obtain or maintain its
14 public works contractor registration certificate under P.L.1999, c.238
15 (C.34:11-56.48 et seq.), and shall not affect the status of the registered
16 apprenticeship program for the purpose of its continued operation in
17 New Jersey;

18 (c) A determination by the commissioner under subparagraph (a)
19 of this paragraph (7) that a registered apprenticeship program in which
20 the contractor participates does not meet all of the requirements of 29
21 C.F.R. ss. 29.3, 29.4, 29.5, 29.6 and 29.7 shall result not only in initial
22 registration application denial, registration renewal denial, revocation
23 or suspension of that contractor's certificate of registration to perform
24 public work in New Jersey, but also shall result in the initial
25 registration application denial, registration renewal denial, revocation
26 or suspension of every contractor who is meeting the apprenticeship
27 program participation requirement through participation in the non-
28 compliant registered apprenticeship program; provided that any initial
29 registration application denial, registration renewal denial, revocation
30 or suspension shall be subject to the requirements of subsection b. of
31 section 9 of P.L.1999, c.238 (C.34:11-56.56), including the
32 contractor's right to request a hearing; and

33 (8)² Any other relevant and appropriate information as determined
34 by the commissioner.

35 b. At the time of registration, and subsequently upon request, the
36 contractor shall submit to the commissioner documentation
37 demonstrating that the contractor has worker's compensation insurance
38 coverage for all workers as required by law.

39 (cf: ²**[P.L.2019, c.21, s.2]** P.L.2021, c.423, s.1²)

40

41 2. Section 5 of P.L.1963, c.150 (C.34:11-56.29) is amended to
42 read as follows:

43 5. a. Every contractor and subcontractor shall keep an accurate
44 record showing the name, craft or trade, and actual hourly rate of
45 wages paid to each worker employed by him in connection with [a]
46 public work and such records shall be preserved for two years from
47 date of payment. The record shall be ¹known as a certified payroll

1 record and shall be¹ open at all reasonable hours to the inspection of
2 the public body awarding the contract, to any other party to the
3 lease or agreement to lease pursuant to which the public work is
4 done, ¹**["union worker representatives,"]**¹ and to the commissioner.

5 b. (1) The department shall provide on its Internet website a
6 secure process for the online submission of ¹certified¹ payroll
7 records and a ¹secure¹ process for the inspection of those records by
8 the public body awarding the contract, ¹**["to"]**¹ any other party to the
9 lease or agreement to lease pursuant to which the public work is
10 done, ¹**["union worker representatives,"]**¹ and to the commissioner.

11 ¹The certified payroll records that are made available by the
12 department through a secure process on its Internet website for
13 inspection by the public body awarding the contract, or any other
14 party to the lease or agreement to lease pursuant to which the public
15 work is done, shall be made available in full and without redaction
16 to the public body awarding the contract, or any other party to the
17 lease or agreement to lease pursuant to which the public work is
18 done.

19 The department shall post the certified payroll records on its
20 Internet website for viewing by the public, and the department shall
21 redact only the addresses and social security numbers of the
22 workers from the certified payroll records for that purpose.¹

23 (2) ¹["Payrolls"] Certified payroll¹ records shall be ¹["posted"]
24 submitted¹ by a contractor or subcontractor ¹that is¹ subject to this
25 section ¹to the public body awarding the contract or the party to the
26 lease or agreement to lease pursuant to which the public work is
27 done, and to the department through the secure process on its
28 Internet website, each payroll period¹ within 10 days of the date
29 ¹["in"] on¹ which the wages were paid to a worker. The contractor or
30 subcontractor shall use the department's website to submit ¹to the
31 department¹ the records required to be maintained pursuant to
32 subsection a. of this section ¹["to the department"]¹.

33 (3) Contractors shall be required to provide ¹certified¹ payroll
34 records to both the department through online submission and to the
35 public body awarding the contract. Online ¹certified¹ payroll record
36 submission to the department does not relieve the contractor of the
37 requirement to submit ¹certified¹ payroll records to the public body
38 awarding the contract. The public body awarding the contract ¹and
39 the department¹ shall be entitled to original, unredacted ¹certified¹
40 payroll submissions.

41 (4) Records submitted pursuant to this subsection shall be
42 subject to the commissioner's powers provided by section 7 of
43 P.L.1963, c.150 (C.34:11-56.31).

44 (cf: P.L.1990, c.27, s.4)

SENATE, No. 1442

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 10, 2022

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Corrado, Johnson and Greenstein

SYNOPSIS

Requires public works contractor registration and payroll certification for public works projects to be completed online.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2023)

S1442 SINGLETON

2

1 AN ACT concerning the online registration of public works
2 contractors and online submission of payroll certification and
3 amending P.L.1999, c.238 and P.L.1963, c.150.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to
9 read as follows:

10 5. a. A contractor shall register **[in writing]** electronically with
11 the department on **[a]** an online form provided by the
12 commissioner. The form shall require the following information:

13 (1) The name, principal business address and telephone number
14 of the contractor;

15 (2) Whether the contractor is a corporation, partnership, sole
16 proprietorship, or other form of business entity;

17 (3) If the contractor's principal business address is not within the
18 State, the name and address of the contractor's custodian of records
19 and agent for service of process in this State;

20 (4) The name and address of each person with a financial
21 interest in the contractor and the percentage interest, except that if
22 the contractor is a publicly-traded corporation, the contractor shall
23 supply the names and addresses of the corporation's officers;

24 (5) The contractor's tax identification number and
25 unemployment insurance registration number;

26 (6) A certification form provided by the commissioner, with
27 documentation satisfactory to the commissioner, that the contractor
28 has all valid and effective licenses, registrations or certificates
29 required by State law, including registrations or certifications
30 required to do business in the State of New Jersey, and the
31 contractor, if directly employing craftworkers, participates in a
32 registered apprenticeship program as defined in section 3 of
33 P.L.1999, c.238 (C.34:11-56.50) for each craft they employ; and

34 (7) Any other relevant and appropriate information as
35 determined by the commissioner.

36 b. At the time of registration, and subsequently upon request,
37 the contractor shall submit to the commissioner documentation
38 demonstrating that the contractor has worker's compensation
39 insurance coverage for all workers as required by law.

40 (cf: P.L.2019, c.21, s.2)

41
42 2. Section 5 of P.L.1963, c.150 (C.34:11-56.29) is amended to
43 read as follows:

44 5. a. Every contractor and subcontractor shall keep an accurate
45 record showing the name, craft or trade, and actual hourly rate of
46 wages paid to each worker employed by him in connection with **[a]**

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 public work and such records shall be preserved for two years from
2 date of payment. The record shall be open at all reasonable hours to
3 the inspection of the public body awarding the contract, to any other
4 party to the lease or agreement to lease pursuant to which the public
5 work is done, union worker representatives, and to the
6 commissioner.

7 b. (1) The department shall provide on its Internet website a
8 secure process for the online submission of payroll records and a
9 process for the inspection of those records by the public body
10 awarding the contract, to any other party to the lease or agreement
11 to lease pursuant to which the public work is done, union worker
12 representatives, and to the commissioner.

13 (2) Payrolls records shall be posted by a contractor or
14 subcontractor subject to this section within 10 days of the date in
15 which the wages were paid to a worker. The contractor or
16 subcontractor shall use the department's website to submit the
17 records required to be maintained pursuant to subsection a. of this
18 section to the department.

19 (3) Contractors shall be required to provide payroll records to
20 both the department through online submission and to the public
21 body awarding the contract. Online payroll record submission to the
22 department does not relieve the contractor of the requirement to
23 submit payroll records to the public body awarding the contract.
24 The public body awarding the contract shall be entitled to original,
25 unredacted payroll submissions.

26 (4) Records submitted pursuant to this subsection shall be
27 subject to the commissioner's powers provided by section 7 of
28 P.L.1963, c.150 (C.34:11-56.31).

29 (cf: P.L.1990, c.27, s.4)

30
31 3. This act shall take effect on the 365th day following
32 enactment.

33 34 35 STATEMENT

36
37 This bill requires public works contractor registration and payroll
38 certification for public works projects to be completed online.
39 Current law requires public works contractors to register in writing.
40 Additionally, current law provides that contractors and
41 subcontractors shall keep an accurate and detailed record of payroll
42 activities and that the record shall be kept open for inspection by
43 the public body awarding the contract. This bill establishes
44 mandatory online contractor registration and payroll certification
45 processes. This bill does not relieve the contractor of the
46 requirement to submit payroll records directly to the public body

S1442 SINGLETON

4

- 1 awarding the contract. Under the bill public works contractors will
- 2 no longer submit registration applications or payroll certification on
- 3 written paper forms.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

SENATE, No. 1442

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2023

The Assembly Budget Committee reports favorably Senate Bill No. 1442, with committee amendments.

This bill, as amended, requires public works contractor registration and payroll certification to be completed online. Current law requires public works contractors to register in writing and keep accurate and detailed payroll records of payroll activities and keep them open for inspection by the public body awarding the contract. The bill establishes mandatory online contractor registration and payroll certification processes, but does not relieve the contractor of the requirement to submit payroll records directly to the public body awarding the contract. Under the bill, public works contractors will no longer submit registration applications or payroll certification on written paper forms.

The amendments to this bill:

(1) designate the record that contractors and subcontractors are required to keep pursuant to the law as a certified payroll record;

(2) require that certified payroll records that are made available by the department on its Internet website for inspection by the public body awarding the contract, or any other party to the lease or agreement to lease pursuant to which the public work is done, be made available in full and without redaction, and certified payroll records posted on the department's Internet website for viewing by the public redact only the addresses and social security numbers of the workers;

(3) require that contractors and subcontractors submit certified payroll records to the public body awarding the contract or the party to the lease or agreement to lease pursuant to which the public work is done, and to the department through the secure process on its Internet website, each payroll period; and

(4) make technical changes.

The amendments make this bill identical to Assembly Bill No. 5345 of the 2022-2023 Legislative Session, as that bill was amended and reported by the committee.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1442

STATE OF NEW JERSEY

DATED: MAY 8, 2023

The Senate Labor Committee reports favorably, Senate Bill, No. 1442.

This bill requires public works contractor registration and payroll certification to be completed online. Current law requires public works contractors to register in writing and keep accurate and detailed payroll records of payroll activities and keep them open for inspection by the public body awarding the contract. The bill establishes mandatory online contractor registration and payroll certification processes, but does not relieve the contractor of the requirement to submit payroll records directly to the public body awarding the contract. Under the bill, public works contractors will no longer submit registration applications or payroll certification on written paper forms.

STATEMENT TO
[First Reprint]
SENATE, No. 1442

with Assembly Floor Amendments
(Proposed by Assemblyman THOMSON)

ADOPTED: JUNE 30, 2023

These amendments update the underlying statutory law.

ASSEMBLY, No. 5345

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 23, 2023

Sponsored by:

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Requires public works contractor registration and payroll certification for public works projects to be completed online.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/23/2023)

1 AN ACT concerning the online registration of public works
2 contractors and online submission of payroll certification and
3 amending P.L.1999, c.238 and P.L.1963, c.150.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to
9 read as follows:

10 5. a. A contractor shall register **[in writing]** electronically with
11 the department on **[a]** an online form provided by the commissioner.
12 The form shall require the following information:

13 (1) The name, principal business address and telephone number
14 of the contractor;

15 (2) Whether the contractor is a corporation, partnership, sole
16 proprietorship, or other form of business entity;

17 (3) If the contractor's principal business address is not within the
18 State, the name and address of the contractor's custodian of records
19 and agent for service of process in this State;

20 (4) The name and address of each person with a financial interest
21 in the contractor and the percentage interest, except that if the
22 contractor is a publicly traded corporation, the contractor shall supply
23 the names and addresses of the corporation's officers;

24 (5) The contractor's tax identification number and unemployment
25 insurance registration number;

26 (6) A certification form provided by the commissioner, with
27 documentation satisfactory to the commissioner, that the contractor
28 has all valid and effective licenses, registrations or certificates
29 required by State law, including registrations or certifications
30 required to do business in the State of New Jersey, and the contractor,
31 if directly employing craftworkers, participates in a registered
32 apprenticeship program as defined in section 3 of P.L.1999, c.238
33 (C.34:11-56.50) for each craft they employ;

34 (7) A certification form provided by the commissioner, with
35 supporting documentation, establishing to the satisfaction of the
36 commissioner that the registered apprenticeship program, as defined
37 in section 3 of P.L.1999, c.238 (C.34:11-56.50), meets all of the
38 requirements of section 6 of P.L.2021, c.423 (C.34:11-56.55a), and
39 29 C.F.R. ss.29.3, 29.4, 29.5, 29.6 and 29.7;

40 (a) If it is determined by the commissioner that a registered
41 apprenticeship program in which the contractor participates does not
42 meet all of the requirements of 29 C.F.R. ss.29.3, 29.4, 29.5, 29.6 and
43 29.7, that determination of the commissioner shall, subject to the
44 requirements of subsection b. of section 9 of P.L.1999, c.238
45 (C.34:11-56.56), including the contractor's right to request a hearing,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 result in initial registration application denial, registration renewal
2 denial, revocation, or suspension of the certificate of registration to
3 perform public work in New Jersey;

4 (b) The determination of the commissioner under this paragraph
5 shall only impact the contractor's ability to obtain or maintain its
6 public works contractor registration certificate under P.L.1999, c.238
7 (C.34:11-56.48 et seq.), and shall not affect the status of the
8 registered apprenticeship program for the purpose of its continued
9 operation in New Jersey;

10 (c) A determination by the commissioner under subparagraph (a)
11 of this paragraph (7) that a registered apprenticeship program in
12 which the contractor participates does not meet all of the
13 requirements of 29 C.F.R. ss. 29.3, 29.4, 29.5, 29.6 and 29.7 shall
14 result not only in initial registration application denial, registration
15 renewal denial, revocation or suspension of that contractor's
16 certificate of registration to perform public work in New Jersey, but
17 also shall result in the initial registration application denial,
18 registration renewal denial, revocation or suspension of every
19 contractor who is meeting the apprenticeship program participation
20 requirement through participation in the non-compliant registered
21 apprenticeship program; provided that any initial registration
22 application denial, registration renewal denial, revocation or
23 suspension shall be subject to the requirements of subsection b. of
24 section 9 of P.L.1999, c.238 (C.34:11-56.56), including the
25 contractor's right to request a hearing; and

26 (8) Any other relevant and appropriate information as determined
27 by the commissioner.

28 b. At the time of registration, and subsequently upon request, the
29 contractor shall submit to the commissioner documentation
30 demonstrating that the contractor has worker's compensation
31 insurance coverage for all workers as required by law.

32 (cf: P.L.2021, c.423, s.1)

33

34 2. Section 5 of P.L.1963, c.150 (C.34:11-56.29) is amended to
35 read as follows:

36 5. a. Every contractor and subcontractor shall keep an accurate
37 record showing the name, craft or trade, and actual hourly rate of
38 wages paid to each worker employed by him in connection with **[a]**
39 public work and such records shall be preserved for two years from
40 date of payment. The record shall be open at all reasonable hours to
41 the inspection of the public body awarding the contract, to any other
42 party to the lease or agreement to lease pursuant to which the public
43 work is done, union worker representatives, and to the commissioner.

44 b. (1) The department shall provide on its Internet website a
45 secure process for the online submission of payroll records and a
46 process for the inspection of those records by the public body
47 awarding the contract, to any other party to the lease or agreement to

1 lease pursuant to which the public work is done, union worker
2 representatives, and to the commissioner.

3 (2) Payrolls records shall be posted by a contractor or
4 subcontractor subject to this section within 10 days of the date in
5 which the wages were paid to a worker. The contractor or
6 subcontractor shall use the department's website to submit the
7 records required to be maintained pursuant to subsection a. of this
8 section to the department.

9 (3) Contractors shall be required to provide payroll records to both
10 the department through online submission and to the public body
11 awarding the contract. Online payroll record submission to the
12 department does not relieve the contractor of the requirement to
13 submit payroll records to the public body awarding the contract. The
14 public body awarding the contract shall be entitled to original,
15 unredacted payroll submissions.

16 (4) Records submitted pursuant to this subsection shall be subject
17 to the commissioner's powers provided by section 7 of P.L.1963,
18 c.150 (C.34:11-56.31).

19 (cf: P.L.1990, c.27, s.4)

20

21 3. This act shall take effect on the 365th day following enactment.

22

23

24

STATEMENT

25

26 This bill requires public works contractor registration and payroll
27 certification for public works projects to be completed online.
28 Current law requires public works contractors to register in writing.
29 Additionally, current law provides that contractors and
30 subcontractors shall keep an accurate and detailed record of payroll
31 activities and that the record shall be kept open for inspection by the
32 public body awarding the contract. This bill establishes mandatory
33 online contractor registration and payroll certification processes.
34 This bill does not relieve the contractor of the requirement to submit
35 payroll records directly to the public body awarding the contract.
36 Under the bill public works contractors will no longer submit
37 registration applications or payroll certification on written paper
38 forms.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5345

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2023

The Assembly Budget Committee reports favorably Assembly Bill No. 5345, with committee amendments.

This bill, as amended, requires public works contractor registration and payroll certification to be completed online. Current law requires public works contractors to register in writing and keep accurate and detailed payroll records of payroll activities and keep them open for inspection by the public body awarding the contract. The bill establishes mandatory online contractor registration and payroll certification processes, but does not relieve the contractor of the requirement to submit payroll records directly to the public body awarding the contract. Under the bill, public works contractors will no longer submit registration applications or payroll certification on written paper forms.

The amendments to this bill:

(1) designate the record that contractors and subcontractors are required to keep pursuant to the law as a certified payroll record;

(2) require that certified payroll records that are made available by the department on its Internet website for inspection by the public body awarding the contract, or any other party to the lease or agreement to lease pursuant to which the public work is done, be made available in full and without redaction, and certified payroll records posted on the department's Internet website for viewing by the public redact only the addresses and social security numbers of the workers;

(3) require that contractors and subcontractors submit certified payroll records to the public body awarding the contract or the party to the lease or agreement to lease pursuant to which the public work is done, and to the department through the secure process on its Internet website, each payroll period; and

(4) make technical changes.

The amendments make this bill identical to Senate Bill No. 1442 of the 2022-2023 Legislative Session, as that bill was amended and reported by the committee.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Takes Action on Legislation

08/16/2023

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

SCS for S-520/A-3847 (Cruz-Perez/Calabrese, Freiman, Spearman) - Exempts shellfish aquaculturists with commercial shellfish aquaculture permit from law prohibiting taking of shellfish on Sunday; requires submission of annual shellfish harvest report

S-1442/A-5345 (Singleton/Thomson, DePhillips, Space) - Requires public works contractor registration and payroll certification for public works projects to be completed online

S-3929/A-5182 (Vitale, Scutari/Lampitt, Mukherji) - Revises certain requirements for involuntary commitment for mental health treatment

[Copy of Statement](#)

S-3950/A-5575 (Gopal, O'Scanlon/Coughlin) - Establishes exemption from State school aid reductions for certain school districts

A-3912/S-2724 (Greenwald, Calabrese/Beach, Cruz-Perez) - Permits alternating proprietorship of certain wineries

A-4192/S-3082 (Greenwald/Beach) - Updates educational and experience requirements to obtain licensure as architect

A-5286/S-3718 (Greenwald, Pintor Marin/Ruiz, Sarlo) - Modifies employee health benefits requirements under certain economic development programs

A-5329/S-3734 (Stanley, Atkins, Moen/Diegnan, Corrado) - Extends useful service life of certain school buses to 20 years; provides temporary one-year extension of service life of Type S school buses