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P.L. 2003, CHAPTER 91, *approved June 17, 2003*
Assembly, No. 2229 (*Second Reprint*)

1 **AN ACT** concerning public works contractor registration and
2 amending P.L.1999, c.238.

3

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

6

7 1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Labor or his duly
11 authorized representatives.

12 "Contractor" means a person, partnership, association, joint stock
13 company, trust, corporation, or other legal business entity or successor
14 thereof who enters into a contract which is subject to the provisions
15 of the "New Jersey Prevailing Wage Act," P.L.1963, c.150
16 (C.34:11-56.25 et seq.) [for the construction, reconstruction,
17 demolition, alteration, repair or maintenance of a public building
18 regularly open to and used by the general public or a public
19 institution], and includes any subcontractor or lower tier
20 subcontractor of a contractor as defined herein[, except that, for the
21 purposes of this act, no pumping station, treatment plant or other
22 facility associated with utility and environmental construction,
23 reconstruction, demolition, alteration, repair or maintenance shall be
24 regarded as a public building regularly open to and used by the general
25 public or a public institution].

26 "Department" means the Department of Labor.

27 "Worker" includes laborer, mechanic, skilled or semi-skilled laborer
28 and apprentices or helpers employed by any contractor or
29 subcontractor and engaged in the performance of services directly
30 upon a public work, regardless of whether their work becomes a
31 component part thereof, but does not include material suppliers or
32 their employees who do not perform services at the job site.

33 (cf: P.L.1999, c.238, s.3)

34

35 2. Section 4 of P.L.1999, c.238 (C.34:11-56.51) is amended to
36 read as follows:

37 4. No contractor shall bid on [or engage in] any contract for
38 public work as defined in section 2 of P.L.1963, c.150
39 (C.34:11-56.26) unless the contractor is registered pursuant to this

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:

¹ Assembly ALA committee amendments adopted February 6, 2003.

² Senate SLA committee amendments adopted March 20, 2003.

1 act. No contractor shall list a subcontractor in a bid proposal for the
2 contract unless the subcontractor is registered pursuant to P.L.1999,
3 c.238 (C.34:11-56.48 et seq.) at the time the bid is made. No
4 contractor or subcontractor, including a subcontractor not listed in the
5 bid proposal, shall engage in the performance of any public work
6 subject to the contract, unless the contractor or subcontractor is
7 registered pursuant to that act.

8 (cf: P.L.1999, c.238, s.4)

9
10 3. Section 6 of P.L.1999, c.238 (C.34:11-56.53) is amended to
11 read as follows:

12 6. a. The contractor shall pay an initial annual non-refundable
13 registration fee of \$300 to the commissioner. The non-refundable
14 registration fee for the second annual registration shall be \$300. Upon
15 successful completion of two consecutive years of registration, a
16 contractor may elect to register for a two-year period and pay a non-
17 refundable registration fee of \$500.

18 b. A contractor who is performing public work on the effective
19 date of this act shall submit the registration application form and fee
20 to the commissioner within 30 days of the effective date of this act.

21 c. Registration fees collected pursuant to this act shall be applied
22 toward the enforcement and administration costs of the Division of
23 Workplace Standards, Office of Wage and Hour Compliance, Public
24 Contracts section and Registration section within the department.

25 (cf: P.L.1999, c.238, s.6)

26
27 ²[4. Section 7 of P.L.1999, c.238 (C.34:11-56.54) is amended to
28 read as follows:

29 7. Upon receipt of the fee, form and documentation required by
30 section 5 of this act, the commissioner ¹[shall] may¹ issue a certificate
31 of registration to the contractor ¹with any conditions he deems
32 necessary, as adopted by regulation¹. ¹[The certificate of registration,
33 or certified facsimile of the certificate, shall at all times be maintained
34 at each worksite of the project, where it shall be made readily available
35 for inspection by representatives of the department.]¹ A registration
36 certificate shall be valid for one calendar year from the date of
37 registration. Registrations shall be renewed not less than 30 days
38 before the expiration date of the immediately preceding registration.
39 (cf: P.L.1999, c.238, s.7)]²

40
41 ²[5.] ⁴.² Section 8 of P.L.1999, c.238 (C.34:11-56.55) is amended
42 to read as follows:

43 8. [Contractors not performing public work on the effective date
44 of this act shall file a registration form and submit a fee to the
45 department before submitting a bid for a public work contract. A
46 contractor shall not be precluded from bidding for a public work

1 contract or performing public work if the contractor has submitted a
2 registration application to the department, and includes a copy of the
3 application with the bid. The department shall review the application
4 and make a determination regarding registration within 30 days of
5 receipt of the application.] Each contractor shall, after the bid is made
6 and prior to the awarding of the contract, submit to the public entity
7 the certificates of registration for all subcontractors listed in the bid
8 proposal. Applications for registration shall not be accepted as a
9 substitute for a certificate of registration for the purposes of this
10 section.

11 (cf: P.L.1999, c.238, s.8)

12

13 ²[¹6.] 5.² Section 9 of P.L.1999, c.238 (C.34:11-56.56) is
14 amended to read as follows:

15 9. a. A contractor who: (1) willfully hinders or delays the
16 commissioner in the performance of his duties in the enforcement of
17 this act; (2) fails to make, keep, and preserve any records as required
18 under the provisions of the "New Jersey Prevailing Wage Act,"
19 P.L.1963, c.150 (C.34:11-56.25 et seq.); (3) falsifies any such record,
20 or refuses to make any such record accessible to the commissioner
21 upon demand; (4) refuses to furnish a sworn statement of such records
22 or any other information required for the enforcement of this act to the
23 commissioner upon demand; (5) pays or agrees to pay wages at a rate
24 less than the rate prescribed by the "New Jersey Prevailing Wage Act,"
25 P.L.1963, c.150 (C.34:11-56.25 et seq.); or (6) otherwise violates any
26 provision of this act, shall be guilty of a disorderly persons offense.

27 b. As an alternative to or in addition to sanctions provided by the
28 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25
29 et seq.), the commissioner may, after providing the contractor with
30 notice of any alleged violation of this act, and with an opportunity to
31 request a hearing before the commissioner or his designee:

32 (1) **[Revoke]** Deny renewal, revoke or suspend the registration of
33 a contractor for a period of not more than five years; or

34 (2) Require a contractor, as a condition of initial or continued
35 registration, to provide a surety bond payable to the State. The surety
36 bond shall be for the benefit of workers damaged by any failure of a
37 contractor to pay wages or benefits pursuant to or otherwise comply
38 with the provisions of the "New Jersey Prevailing Wage Act,"
39 P.L.1963, c.150 (C.34:11-56.25 et seq.) or this act. The surety bond
40 shall be in the amount and form that the commissioner deems
41 necessary for the protection of the contractor's workers, but shall not
42 exceed \$10,000 per worker. The surety bond shall be issued by a
43 surety that meets the requirements of N.J.S.2A:44-143.¹

44 (cf: P.L.1999, c.238, s.9)

1 ¹[6.] ²[7.] 6.² This act shall take effect ¹[immediately] on the
2 60th day after enactment¹.

3

4

5

6

7 Concerns public works contractor registration.

ASSEMBLY, No. 2229

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 9, 2002

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

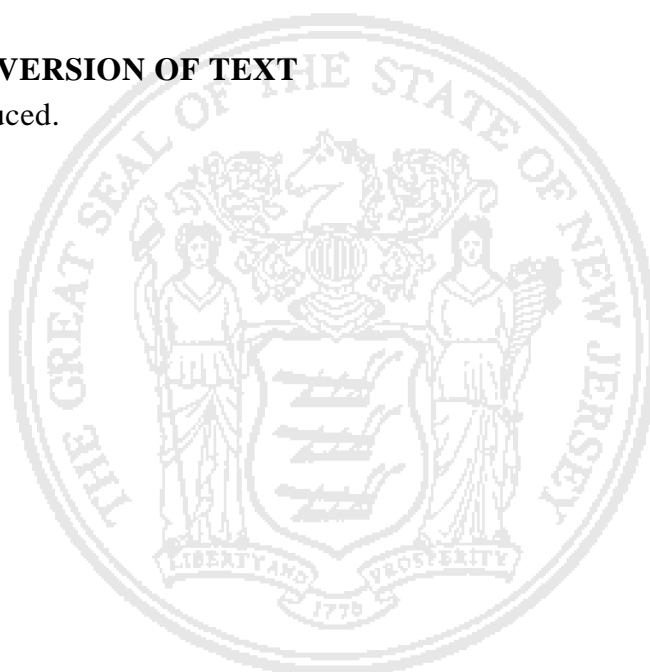
Assemblyman Guear

SYNOPSIS

Concerns public works contractor registration.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/10/2002)

1 AN ACT concerning public works contractor registration and
2 amending P.L.1999, c.238.

3

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

6

7 1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Labor or his duly
11 authorized representatives.

12 "Contractor" means a person, partnership, association, joint stock
13 company, trust, corporation, or other legal business entity or successor
14 thereof who enters into a contract which is subject to the provisions
15 of the "New Jersey Prevailing Wage Act," P.L.1963, c.150
16 (C.34:11-56.25 et seq.) [for the construction, reconstruction,
17 demolition, alteration, repair or maintenance of a public building
18 regularly open to and used by the general public or a public
19 institution], and includes any subcontractor or lower tier
20 subcontractor of a contractor as defined herein[, except that, for the
21 purposes of this act, no pumping station, treatment plant or other
22 facility associated with utility and environmental construction,
23 reconstruction, demolition, alteration, repair or maintenance shall be
24 regarded as a public building regularly open to and used by the general
25 public or a public institution].

26 "Department" means the Department of Labor.

27 "Worker" includes laborer, mechanic, skilled or semi-skilled laborer
28 and apprentices or helpers employed by any contractor or
29 subcontractor and engaged in the performance of services directly
30 upon a public work, regardless of whether their work becomes a
31 component part thereof, but does not include material suppliers or
32 their employees who do not perform services at the job site.

33 (cf: P.L.1999, c.238, s.3)

34

35 2. Section 4 of P.L.1999, c.238 (C.34:11-56.51) is amended to
36 read as follows:

37 4. No contractor shall bid on [or engage in] any contract for
38 public work as defined in section 2 of P.L.1963, c.150
39 (C.34:11-56.26) unless the contractor is registered pursuant to this
40 act. No contractor shall list a subcontractor in a bid proposal for the
41 contract unless the subcontractor is registered pursuant to P.L.1999,
42 c. 238 (C.34:11-56.48 et seq.) at the time the bid is made. No

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 contractor or subcontractor, including a subcontractor not listed in the
2 bid proposal, shall engage in the performance of any public work
3 subject to the contract, unless the contractor or subcontractor is
4 registered pursuant to that act.

5 (cf: P.L.1999, c.238, s.4)

6
7 3. Section 6 of P.L.1999, c.238 (C.34:11-56.53) is amended to
8 read as follows:

9 6. a. The contractor shall pay an initial annual non-refundable
10 registration fee of \$300 to the commissioner. The non-refundable
11 registration fee for the second annual registration shall be \$300. Upon
12 successful completion of two consecutive years of registration, a
13 contractor may elect to register for a two-year period and pay a non-
14 refundable registration fee of \$500.

15 b. A contractor who is performing public work on the effective
16 date of this act shall submit the registration application form and fee
17 to the commissioner within 30 days of the effective date of this act.

18 c. Registration fees collected pursuant to this act shall be applied
19 toward the enforcement and administration costs of the Division of
20 Workplace Standards, Office of Wage and Hour Compliance, Public
21 Contracts section and Registration section within the department.

22 (cf: P.L.1999, c.238, s.6)

23
24 4. Section 7 of P.L.1999, c.238 (C.34:11-56.54) is amended to
25 read as follows:

26 7. Upon receipt of the fee, form and documentation required by
27 section 5 of this act, the commissioner shall issue a certificate of
28 registration to the contractor. The certificate of registration, or
29 certified facsimile of the certificate, shall at all times be maintained at
30 each worksite of the project, where it shall be made readily available
31 for inspection by representatives of the department. A registration
32 certificate shall be valid for one calendar year from the date of
33 registration. Registrations shall be renewed not less than 30 days
34 before the expiration date of the immediately preceding registration.

35 (cf: P.L.1999, c.238, s.7)

36
37 5. Section 8 of P.L.1999, c.238 (C.34:11-56.55) is amended to
38 read as follows:

39 8. [Contractors not performing public work on the effective date
40 of this act shall file a registration form and submit a fee to the
41 department before submitting a bid for a public work contract. A
42 contractor shall not be precluded from bidding for a public work
43 contract or performing public work if the contractor has submitted a
44 registration application to the department, and includes a copy of the
45 application with the bid. The department shall review the application
46 and make a determination regarding registration within 30 days of

1 receipt of the application.] Each contractor shall, after the bid is made
2 and prior to the awarding of the contract, submit to the public entity
3 the certificates of registration for all subcontractors listed in the bid
4 proposal. Applications for registration shall not be accepted as a
5 substitute for a certificate of registration for the purposes of this
6 section.

7 (cf: P.L.1999, c.238, s.8)

8

9 6. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill eliminates the exemption currently provided from the
15 registration requirements of the "The Public Works Contractor
16 Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.) for any
17 contractor bidding on or engaged in a project related to a pumping
18 station, treatment plant or other facility associated with utility and
19 environmental construction, reconstruction, demolition, alteration,
20 repair or maintenance.

21 The bill prohibits a contractor from listing in a bid proposal any
22 subcontractor who is not registered pursuant to the act, requires the
23 contractor to submit, prior to the awarding of a contract, the
24 certificates of registration of all listed subcontractors, and prohibits the
25 acceptance of an application for registration as a substitute for a
26 certificate of registration. It prohibits any subcontractor, even one
27 that is not listed in a bid proposal, from engaging in a contract for
28 public work unless the subcontractor is registered. It requires that the
29 certificates of registration at all times be maintained at each worksite
30 of a public works project and made available for inspection by
31 representatives of the Department of Labor.

32 Finally, the bill provides that all registration fees paid under the act
33 are non-refundable.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2229

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2003

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2229.

As amended by the committee, this bill eliminates the exemption currently provided from the registration requirements of the "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.) for any contractor bidding on or engaged in a project related to a pumping station, treatment plant or other facility associated with utility and environmental construction, reconstruction, demolition, alteration, repair or maintenance.

The bill prohibits a contractor from listing in a bid proposal any subcontractor who is not registered pursuant to the act, requires the contractor to submit, prior to the awarding of a contract, the certificates of registration of all listed subcontractors, and prohibits the acceptance of an application for registration as a substitute for a certificate of registration. It prohibits any subcontractor, even one that is not listed in a bid proposal, from engaging in a contract for public work unless the subcontractor is registered. It requires that the certificates of registration at all times be maintained at each worksite of a public works project and made available for inspection by representatives of the Department of Labor.

Finally, the bill provides that all registration fees paid under the act are non-refundable.

COMMITTEE AMENDMENTS

The committee has amended the bill to permit, rather than require, the Commissioner of Labor to issue certificates of registration to contractors who register under the law with any conditions necessary, as adopted by regulation, to permit the department to deny the renewal of registration of a contractor who violates certain provisions of the law, and to make the bill take effect on the 60th day after enactment, instead of immediately.

SENATE LABOR COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2229

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 20, 2003

The Senate Labor Committee reports favorably, and with committee amendments, Assembly Bill No. 2229 (1R).

As amended, this bill eliminates the exemption currently provided from the registration requirements of the "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.) for any contractor bidding on or engaged in a project related to a pumping station, treatment plant or other facility associated with utility and environmental construction, reconstruction, demolition, alteration, repair or maintenance.

The bill prohibits a contractor from listing in a bid proposal any subcontractor who is not registered pursuant to the act, requires the contractor to submit, prior to the awarding of a contract, the certificates of registration of all listed subcontractors, and prohibits the acceptance of an application for registration as a substitute for a certificate of registration. It prohibits any subcontractor, even one that is not listed in a bid proposal, from engaging in a contract for public work unless the subcontractor is registered. It requires that the certificates of registration at all times be maintained at each worksite of a public works project and made available for inspection by representatives of the Department of Labor.

Finally, the bill provides that all registration fees paid under the act are non-refundable.

The committee amendments remove a section of the bill which would have amended the act to permit, rather than require, the Commissioner of Labor to issue certificates of registration to contractors who register under the act, with any conditions necessary, as adopted by regulation.

As reported, this bill is identical to Senate Bill No. 2399, as reported by the committee today with the same amendments.

SENATE, No. 2399

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 10, 2003

Sponsored by:

Senator BERNARD F. KENNY, JR.

District 33 (Hudson)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

SYNOPSIS

Concerns public works contractor registration.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/18/2003)

1 AN ACT concerning public works contractor registration and
2 amending P.L.1999, c.238.

3

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

6

7 1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to
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9 3. As used in this act:

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11 authorized representatives.

12 "Contractor" means a person, partnership, association, joint stock
13 company, trust, corporation, or other legal business entity or successor
14 thereof who enters into a contract which is subject to the provisions
15 of the "New Jersey Prevailing Wage Act," P.L.1963, c.150
16 (C.34:11-56.25 et seq.) [for the construction, reconstruction,
17 demolition, alteration, repair or maintenance of a public building
18 regularly open to and used by the general public or a public
19 institution], and includes any subcontractor or lower tier
20 subcontractor of a contractor as defined herein[, except that, for the
21 purposes of this act, no pumping station, treatment plant or other
22 facility associated with utility and environmental construction,
23 reconstruction, demolition, alteration, repair or maintenance shall be
24 regarded as a public building regularly open to and used by the general
25 public or a public institution].

26 "Department" means the Department of Labor.

27 "Worker" includes laborer, mechanic, skilled or semi-skilled laborer
28 and apprentices or helpers employed by any contractor or
29 subcontractor and engaged in the performance of services directly
30 upon a public work, regardless of whether their work becomes a
31 component part thereof, but does not include material suppliers or
32 their employees who do not perform services at the job site.

33 (cf: P.L.1999, c.238, s.3)

34

35 2. Section 4 of P.L.1999, c.238 (C.34:11-56.51) is amended to
36 read as follows:

37 4. No contractor shall bid on [or engage in] any contract for
38 public work as defined in section 2 of P.L.1963, c.150
39 (C.34:11-56.26) unless the contractor is registered pursuant to this
40 act. No contractor shall list a subcontractor in a bid proposal for the
41 contract unless the subcontractor is registered pursuant to P.L.1999,
42 c.238 (C.34:11-56.48 et seq.) at the time the bid is made. No

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 contractor or subcontractor, including a subcontractor not listed in the
2 bid proposal, shall engage in the performance of any public work
3 subject to the contract, unless the contractor or subcontractor is
4 registered pursuant to that act.

5 (cf: P.L.1999, c.238, s.4)

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7 3. Section 6 of P.L.1999, c.238 (C.34:11-56.53) is amended to
8 read as follows:

9 6. a. The contractor shall pay an initial annual non-refundable
10 registration fee of \$300 to the commissioner. The non-refundable
11 registration fee for the second annual registration shall be \$300. Upon
12 successful completion of two consecutive years of registration, a
13 contractor may elect to register for a two-year period and pay a non-
14 refundable registration fee of \$500.

15 b. A contractor who is performing public work on the effective
16 date of this act shall submit the registration application form and fee
17 to the commissioner within 30 days of the effective date of this act.

18 c. Registration fees collected pursuant to this act shall be applied
19 toward the enforcement and administration costs of the Division of
20 Workplace Standards, Office of Wage and Hour Compliance, Public
21 Contracts section and Registration section within the department.

22 (cf: P.L.1999, c.238, s.6)

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24 4. Section 7 of P.L.1999, c.238 (C.34:11-56.54) is amended to
25 read as follows:

26 7. Upon receipt of the fee, form and documentation required by
27 section 5 of this act, the commissioner [~~shall~~] may issue a certificate
28 of registration to the contractor with any conditions he deems
29 necessary, as adopted by regulation. A registration certificate shall be
30 valid for one calendar year from the date of registration. Registrations
31 shall be renewed not less than 30 days before the expiration date of the
32 immediately preceding registration.

33 (cf: P.L.1999, c.238, s.7)

34
35 5. Section 8 of P.L.1999, c.238 (C.34:11-56.55) is amended to
36 read as follows:

37 8. **[Contractors not performing public work on the effective date**
38 **of this act shall file a registration form and submit a fee to the**
39 **department before submitting a bid for a public work contract. A**
40 **contractor shall not be precluded from bidding for a public work**
41 **contract or performing public work if the contractor has submitted a**
42 **registration application to the department, and includes a copy of the**
43 **application with the bid. The department shall review the application**
44 **and make a determination regarding registration within 30 days of**
45 **receipt of the application.]** Each contractor shall, after the bid is made
46 and prior to the awarding of the contract, submit to the public entity

1 the certificates of registration for all subcontractors listed in the bid
2 proposal. Applications for registration shall not be accepted as a
3 substitute for a certificate of registration for the purposes of this
4 section.

5 (cf: P.L.1999, c.238, s.8)

6

7 6. Section 9 of P.L.1999, c.238 (C.34:11-56.56) is amended to
8 read as follows:

9 9. a. A contractor who: (1) willfully hinders or delays the
10 commissioner in the performance of his duties in the enforcement of
11 this act; (2) fails to make, keep, and preserve any records as required
12 under the provisions of the "New Jersey Prevailing Wage Act,"
13 P.L.1963, c.150 (C.34:11-56.25 et seq.); (3) falsifies any such record,
14 or refuses to make any such record accessible to the commissioner
15 upon demand; (4) refuses to furnish a sworn statement of such records
16 or any other information required for the enforcement of this act to the
17 commissioner upon demand; (5) pays or agrees to pay wages at a rate
18 less than the rate prescribed by the "New Jersey Prevailing Wage Act,"
19 P.L.1963, c.150 (C.34:11-56.25 et seq.); or (6) otherwise violates any
20 provision of this act, shall be guilty of a disorderly persons offense.

21 b. As an alternative to or in addition to sanctions provided by the
22 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25
23 et seq.), the commissioner may, after providing the contractor with
24 notice of any alleged violation of this act, and with an opportunity to
25 request a hearing before the commissioner or his designee:

26 (1) **[Revoke]** Deny renewal, revoke or suspend the registration of
27 a contractor for a period of not more than five years; or

28 (2) Require a contractor, as a condition of initial or continued
29 registration, to provide a surety bond payable to the State. The surety
30 bond shall be for the benefit of workers damaged by any failure of a
31 contractor to pay wages or benefits pursuant to or otherwise comply
32 with the provisions of the "New Jersey Prevailing Wage Act,"
33 P.L.1963, c.150 (C.34:11-56.25 et seq.) or this act. The surety bond
34 shall be in the amount and form that the commissioner deems
35 necessary for the protection of the contractor's workers, but shall not
36 exceed \$10,000 per worker. The surety bond shall be issued by a
37 surety that meets the requirements of N.J.S.2A:44-143.

38 (cf: P.L.1999, c.238, s.9)

39

40 7. This act shall take effect on the 60th day after enactment.

41

42

43

STATEMENT

44

45 This bill eliminates the exemption currently provided from the
46 registration requirements of the "The Public Works Contractor

1 Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.) for any
2 contractor bidding on or engaged in a project related to a pumping
3 station, treatment plant or other facility associated with utility and
4 environmental construction, reconstruction, demolition, alteration,
5 repair or maintenance.

6 The bill prohibits a contractor from listing in a bid proposal any
7 subcontractor who is not registered pursuant to the act, requires the
8 contractor to submit, prior to the awarding of a contract, the
9 certificates of registration of all listed subcontractors, and prohibits the
10 acceptance of an application for registration as a substitute for a
11 certificate of registration. It prohibits any subcontractor, even one
12 that is not listed in a bid proposal, from engaging in a contract for
13 public work unless the subcontractor is registered. It requires that the
14 certificates of registration at all times be maintained at each worksite
15 of a public works project and made available for inspection by
16 representatives of the Department of Labor.

17 The bill also amends the act to permit, rather than require the
18 Commissioner of Labor to issue certificates of registration to
19 contractors who register under the act, with any conditions necessary,
20 as adopted by regulation, and to permit the department to deny the
21 renewal of a contractor's registration for certain violations of the law.

22 Finally, the bill provides that all registration fees paid under the act
23 are non-refundable.

SENATE LABOR COMMITTEE

STATEMENT TO

with committee amendments

SENATE, No. 2399

STATE OF NEW JERSEY

DATED: MARCH 20, 2003

The Senate Labor Committee reports favorably, and with committee amendments, Senate Bill No. 2399.

As amended this bill eliminates the exemption currently provided from the registration requirements of the "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.) for any contractor bidding on or engaged in a project related to a pumping station, treatment plant or other facility associated with utility and environmental construction, reconstruction, demolition, alteration, repair or maintenance.

The bill prohibits a contractor from listing in a bid proposal any subcontractor who is not registered pursuant to the act, requires the contractor to submit, prior to the awarding of a contract, the certificates of registration of all listed subcontractors, and prohibits the acceptance of an application for registration as a substitute for a certificate of registration. It prohibits any subcontractor, even one that is not listed in a bid proposal, from engaging in a contract for public work unless the subcontractor is registered. It requires that the certificates of registration at all times be maintained at each worksite of a public works project and made available for inspection by representatives of the Department of Labor.

Finally, the bill provides that all registration fees paid under the act are non-refundable.

The committee amendments remove a section of the bill which would have amended the act to permit, rather than require, the Commissioner of Labor to issue certificates of registration to contractors who register under the act, with any conditions necessary, as adopted by regulation.

As reported, this bill is identical to Assembly Bill No. 2229 (1R) as reported by the committee today with the same amendments.



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McGreevey Strengthens Wage and Hour Laws

(ATLANTIC CITY) - Broadening his commitment to ensuring that all New Jerseyans receive fair pay for an honest day's work, Governor James E. McGreevey today signed legislation tightening the requirements of the Public Works Contractor Registration Act.

"As a society, we have a moral obligation to ensure that people who work for a living receive a fair wage for an honest day's work," said McGreevey. "This bill will enhance the Department of Labor's continued efforts to enforce the Prevailing Wage Act and to guarantee that New Jersey workers are paid a fair wage."

"Our law-abiding contractors and subcontractors and their employees must be protected from the effects of an uneven playing field resulting from the actions of willful violators," said Department of Labor Commissioner Albert G. Kroll. "Our actions today further level that playing field."

The bill A-2229, which eliminates the exemption currently provided from the registration requirements of the Public Works Contractor Registration Act for any contractor bidding on or engaged in a project related to a pumping station, treatment plant, or other facility associated with utility and environmental construction. The legislation was sponsored by Assemblymen Joseph Roberts, Douglas Fisher and Peter Biondi.

"The procedure this new law requires will enable the Department of Labor to better enforce existing state and federal labor laws," said Roberts (D-Camden), the

Assembly Majority Leader. "Any procedure or process we as legislators can put in place to enhance the enforcement of laws that are already on the books is good for all parties involved."

"This is just 'common sense' legislation to ensure the proper enforcement of existing labor laws," said Fisher (D-Cumberland).

The law also prohibits a contractor from listing in a bid proposal any subcontractor who is not registered as required by the new law, requires the contractor to submit certificates of registration of all listed subcontractors, and prohibits the acceptance of any registration as a substitute for a certificate of registration.

No subcontractor can engage in a contract for public work without being registered, and certificates of registration must be maintained at each worksite of a public works project and made available for inspection by Department of Labor representatives, under the new law.

The signing of this new law underscores the McGreevey administration's commitment to enforcing wage and hour laws. Since taking office, the administration has recovered \$24.5 million in unpaid wages for New Jersey workers due to enforcement of prevailing wage and other wage and hour laws. The Division of Wage and Hour Compliance now has 25 full-time professional staff dedicated solely to enforcement of the New Jersey Prevailing Wage Act and the Public Works Contractor Registration Act.

Governor McGreevey previously signed legislation increasing administrative penalties for violations of the Prevailing Wage Act and the Public Works Contractor Registration Act.

In 2001, the Department of Labor listed as ineligible for public works projects 40 contractors and subcontractors and 48 individuals. In 2002, 91 contractors and subcontractors and 119 individuals were listed as ineligible. So far this year, New Jersey has debarred 34 contractors and subcontractors and 44 individuals.

Photos and audio and video clips from Governor McGreevey's press conferences are available on the Governor's web page at <http://www.state.nj.us/governor/>. Links are located in the Governor's Newsroom section of the page.