

[Second Reprint]

SENATE, No. 1442

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 10, 2022

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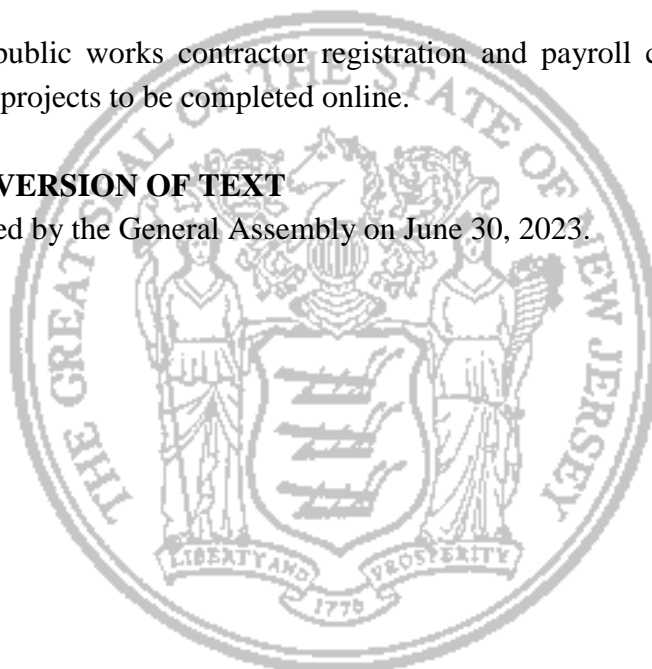
**Senators Corrado, Johnson, Greenstein, Assemblyman Wirths and
Assemblywoman Murphy**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 30, 2023.



(Sponsorship Updated As Of: 6/30/2023)

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 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
38 requirements of section 6 of P.L.2021, c.423 (C.34:11-56.55a), and 29
39 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 (C.34:11-

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 56.56), including the contractor's right to request a hearing, result in
2 initial registration application denial, registration renewal denial,
3 revocation, or suspension of the certificate of registration to perform
4 public work in New Jersey;

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

11 (c) A determination by the commissioner under subparagraph (a)
12 of this paragraph (7) that a registered apprenticeship program in which
13 the contractor participates does not meet all of the requirements of 29
14 C.F.R. ss. 29.3, 29.4, 29.5, 29.6 and 29.7 shall result not only in initial
15 registration application denial, registration renewal denial, revocation
16 or suspension of that contractor's certificate of registration to perform
17 public work in New Jersey, but also shall result in the initial
18 registration application denial, registration renewal denial, revocation
19 or suspension of every contractor who is meeting the apprenticeship
20 program participation requirement through participation in the non-
21 compliant registered apprenticeship program; provided that any initial
22 registration application denial, registration renewal denial, revocation
23 or 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)² 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 insurance
31 coverage for all workers as required by law.

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

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 ¹known as a certified payroll
41 record and shall be¹ open at all reasonable hours to the inspection of
42 the public body awarding the contract, to any other party to the
43 lease or agreement to lease pursuant to which the public work is
44 done, ¹[union worker representatives,]¹ and to the commissioner.

45 b. (1) The department shall provide on its Internet website a
46 secure process for the online submission of ¹certified¹ payroll
47 records and a ¹secure¹ process for the inspection of those records by

1 the public body awarding the contract, ~~["to"]~~ any other party to the
2 lease or agreement to lease pursuant to which the public work is
3 done, ~~["union worker representatives,"]~~ and to the commissioner.

4 ¹The certified payroll records that are made available by the
5 department through a secure process on its Internet website for
6 inspection by the public body awarding the contract, or any other
7 party to the lease or agreement to lease pursuant to which the public
8 work is done, shall be made available in full and without redaction
9 to the public body awarding the contract, or any other party to the
10 lease or agreement to lease pursuant to which the public work is
11 done.

12 The department shall post the certified payroll records on its
13 Internet website for viewing by the public, and the department shall
14 redact only the addresses and social security numbers of the
15 workers from the certified payroll records for that purpose.¹

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

26 (3) Contractors shall be required to provide ¹certified¹ payroll
27 records to both the department through online submission and to the
28 public body awarding the contract. Online ¹certified¹ payroll record
29 submission to the department does not relieve the contractor of the
30 requirement to submit ¹certified¹ payroll records to the public body
31 awarding the contract. The public body awarding the contract ¹and
32 the department¹ shall be entitled to original, unredacted ¹certified¹
33 payroll submissions.

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

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

38

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