

SENATE, No. 62

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Requires certain contractors to register under "The Public Works Contractor Registration Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/16/2018)

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2

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 and
11 Workforce Development or his duly authorized representatives.

12 "Contractor" means a person, partnership, association, joint stock
13 company, trust, corporation, or other legal business entity or
14 successor thereof who enters into a contract which is subject to the
15 provisions of the "New Jersey Prevailing Wage Act," P.L.1963,
16 c.150 (C.34:11-56.25 et seq.), or who is required to pay its workers
17 the prevailing wage by any other provision of law, and includes any
18 subcontractor or lower tier subcontractor of a contractor as defined
19 herein.

20 "Department" means the Department of Labor and Workforce
21 Development.

22 "Director" means the Director of the Division of Wage and Hour
23 Compliance in the Department of Labor and Workforce
24 Development.

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

31 (cf: P.L.2007, c.67, s.2.)

32

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

35 4. No contractor shall bid on any contract for public work as
36 defined in section 2 of P.L.1963, c.150 (C.34:11-56.26) , or for
37 which payment of the prevailing wage is required by any other
38 provision of law, unless the contractor is registered pursuant to this
39 act. No contractor shall list a subcontractor in a bid proposal for the
40 contract unless the subcontractor is registered pursuant to P.L.1999,
41 c.238 (C.34:11-56.48 et seq.) at the time the bid is made. No
42 contractor or subcontractor, including a subcontractor not listed in
43 the bid proposal, shall engage in the performance of any public
44 work subject to the contract, unless the contractor or subcontractor
45 is registered pursuant to that act.

46 (cf: P.L.2003, c.91, s.2.)

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.

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

3 8. Each contractor shall, after the bid is made and prior to the
4 awarding of the contract, submit to the public entity , including, but
5 not limited to, any authority, board, or commission, the certificates
6 of registration for all subcontractors listed in the bid proposal.
7 Applications for registration shall not be accepted as a substitute for
8 a certificate of registration for the purposes of this section.
9 (cf: P.L.2003, c.91, s.4.)

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11 4. This act shall take effect on the first day of the third month
12 following enactment.

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STATEMENT

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17 This bill requires contractors that are required by current law to
18 pay their workers the prevailing wage to register under "The Public
19 Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-
20 56.48 et seq.). Currently, contractors are only required to register
21 under that act if they enter into contracts that are subject to the
22 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25
23 et seq.). There are a number of other statutes, such as the "The New
24 Jersey Economic Development Authority Act," P.L.1974, c.80
25 (C.34:1B-1 et seq.), which require contractors to pay workers the
26 prevailing wage, but are not technically subject to the "New Jersey
27 Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), and
28 therefore do not require contractors to register under "The Public
29 Works Contractor Registration Act." This bill specifies that public
30 works contractor registration would be required in any instance
31 where a contractor is required to pay the prevailing wage pursuant
32 to law.