

ASSEMBLY, No. 3483

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

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District 9 (Atlantic, Burlington and Ocean)

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Exempts small businesses from apprenticeship requirement under “The Public Works Contractor Registration Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning registration of small businesses for public
2 works contracts and 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 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to
8 read as follows:

9 5. a. A contractor shall register in writing with the department
10 on a form provided by the commissioner. The form shall require the
11 following information:

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

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

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

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

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

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

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

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

39 c. (1) A small business shall not be subject to the requirement
40 to participate in a registered apprenticeship program pursuant to
41 paragraph (6) of subsection a. of this section.

42 (2) As used in this section, "small business" means any
43 employer who employed 10 or fewer workers for every working day
44 during each of a majority of the calendar workweeks in the current
45 calendar year and 10 or fewer workers for every working day

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 during not less than 48 calendar workweeks in the preceding
2 calendar year, except that, if the employer was newly established
3 during the preceding calendar year, the employer shall be regarded
4 as a “small business” if the employer employed 10 or fewer workers
5 for every working day during all of the weeks of that year, and
6 during a majority of the calendar workweeks in the current calendar
7 year, and, if the employer is newly established during the current
8 calendar year, the employer shall be regarded as a “small business”
9 if the employer employed 10 or fewer workers for every working
10 day during a majority of the calendar workweeks in the current
11 calendar year.

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

13

14 2. This act shall take effect immediately.

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STATEMENT

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19 This bill exempts small businesses that register under “The
20 Public Works Contractor Registration Act,” P.L.1999, c.238
21 (C.34:11-56.48 et seq.) to bid on public works projects from the
22 requirement that they participate in a registered apprenticeship
23 program.

24 Under current law, all contractors are required to participate in a
25 registered apprenticeship program under “The Public Works
26 Contractor Registration Act” to be eligible for public works
27 contracts.

28 The bill defines “small business” as any employer who employed
29 10 or fewer workers for every working day during each of a
30 majority of the calendar workweeks in the current calendar year and
31 10 or fewer workers for every working day during not less than 48
32 calendar workweeks in the preceding calendar year, except that, if
33 the employer was newly established during the preceding calendar
34 year, the employer will be regarded as a “small business” if the
35 employer employed 10 or fewer workers for every working day
36 during all of the weeks of that year, and during a majority of the
37 calendar workweeks in the current calendar year, and, if the
38 employer is newly established during the current calendar year, the
39 employer will be regarded as a “small business” if the employer
40 employed 10 or fewer workers for every working day during a
41 majority of the calendar workweeks in the current calendar year.