

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

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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.

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

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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)

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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)

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

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STATEMENT

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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

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- 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.