

CHAPTER 138

AN ACT concerning the online registration of public works contractors and online submission of payroll certification and amending P.L.1999, c.238 and P.L.1963, c.150.

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

1. Section 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to read as follows:

C.34:11-56.52 Contractor, register, electronically, form, requisites.

5. a. A contractor shall register electronically with the department on an online form provided by the commissioner. The form shall require the following information:

(1) The name, principal business address and telephone number of the contractor;
(2) Whether the contractor is a corporation, partnership, sole proprietorship, or other form of business entity;

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

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

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

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

(7) A certification form provided by the commissioner, with supporting documentation, establishing to the satisfaction of the commissioner that the registered apprenticeship program, as defined in section 3 of P.L.1999, c.238 (C.34:11-56.50), meets all of the requirements of section 6 of P.L.2021, c.423 (C.34:11-56.55a), and 29 C.F.R. ss.29.3, 29.4, 29.5, 29.6 and 29.7;

(a) If it is determined by the commissioner that a registered apprenticeship program in which the contractor participates does not meet all of the requirements of 29 C.F.R. ss.29.3, 29.4, 29.5, 29.6 and 29.7, that determination of the commissioner shall, subject to the requirements of subsection b. of section 9 of P.L.1999, c.238 (C.34:11-56.56), including the contractor's right to request a hearing, result in initial registration application denial, registration renewal denial, revocation, or suspension of the certificate of registration to perform public work in New Jersey;

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

(c) A determination by the commissioner under subparagraph (a) of this paragraph (7) that a registered apprenticeship program in which the contractor participates does not meet all of the requirements of 29 C.F.R. ss. 29.3, 29.4, 29.5, 29.6 and 29.7 shall result not only in initial registration application denial, registration renewal denial, revocation or suspension of that contractor's certificate of registration to perform public work in New Jersey, but also shall result in the initial registration application denial, registration renewal denial, revocation or suspension of every contractor who is meeting the apprenticeship program participation requirement through participation in the non-compliant registered apprenticeship program; provided that any initial registration application denial, registration renewal denial, revocation or suspension shall be subject to the requirements of subsection b. of section 9 of P.L.1999, c.238 (C.34:11-56.56), including the contractor's right to request a hearing; and

(8) Any other relevant and appropriate information as determined by the commissioner.

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

2. Section 5 of P.L.1963, c.150 (C.34:11-56.29) is amended to read as follows:

C.34:11-56.29 Record of wages paid by contractor and subcontractor.

5. a. Every contractor and subcontractor shall keep an accurate record showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed by him in connection with public work and such records shall be preserved for two years from date of payment. The record shall be known as a certified payroll record and shall be open at all reasonable hours to the inspection of the public body awarding the contract, to any other party to the lease or agreement to lease pursuant to which the public work is done, and to the commissioner.

b. (1) The department shall provide on its Internet website a secure process for the online submission of certified payroll records and a secure process for the inspection of those records by the public body awarding the contract, any other party to the lease or agreement to lease pursuant to which the public work is done, and to the commissioner.

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

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

(2) Certified payroll records shall be submitted by a contractor or subcontractor that is subject to this section to the public body awarding the contract or the party to the lease or agreement to lease pursuant to which the public work is done, and to the department through the secure process on its Internet website, each payroll period within 10 days of the date on which the wages were paid to a worker. The contractor or subcontractor shall use the department's website to submit to the department the records required to be maintained pursuant to subsection a. of this section.

(3) Contractors shall be required to provide certified payroll records to both the department through online submission and to the public body awarding the contract.

Online certified payroll record submission to the department does not relieve the contractor of the requirement to submit certified payroll records to the public body awarding the contract. The public body awarding the contract and the department shall be entitled to original, unredacted certified payroll submissions.

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

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

Approved August 16, 2023.