

2023 -- H 5446

LC000989

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS
BY CONTRACTORS

Introduced By: Representatives Edwards, Bennett, Casey, Ackerman, and McEntee

Date Introduced: February 08, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-13-1 and 37-13-13 of the General Laws in Chapter 37-13 entitled
2 "Labor and Payment of Debts by Contractors" are hereby amended to read as follows:

3 **37-13-1. Definitions.**

4 As used in this chapter:

5 (1) "Manufacturer" means a person or entity that has a certified underwriter laboratory
6 (UL) or nationally recognized equivalent that produces finished products for trade or sale to
7 consumers, wholesalers, distributors, retailers or to other manufacturers. The manufacturer does
8 not conduct unrelated business on the premises and has no relation to the customer, purchaser, or
9 installer.

10 ~~(1)~~(2) "Public works" means any public work consisting of grading, clearing, demolition,
11 improvement, completion, repair, alteration, or construction of any public road or any bridge, or
12 portion thereof, or any public building, or portion thereof, or any heavy construction, or any public
13 works projects of any nature or kind whatsoever.

14 ~~(2)~~(3) "School transportation services" means those transportation and related services
15 provided for the transportation of public and private students pursuant to §§ 16-21-1 and 16-21.1-
16 8.

17 **37-13-13. Furnishing payroll record to the awarding authority.**

18 (a) Every contractor, subcontractor, vendor, or provider awarded a contract for public

1 works or school transportation services as defined by this chapter shall furnish a certified copy of
2 his, her, or its payroll records of his, her, or its employees employed on the project to the awarding
3 authority on a monthly basis for all work completed in the preceding month on a uniform form
4 prescribed by the director of labor and training. Notwithstanding the foregoing, certified payrolls
5 for department of transportation or other road, highway, or bridge public works may be submitted
6 on the federal payroll form, provided that, when a complaint is being investigated, the director or
7 his or her designee may require that a contractor resubmit the certified payroll on the uniform
8 department form or provide actual payroll records.

9 (b) Awarding authorities, contractors, subcontractors, vendors, and providers shall provide
10 any and all payroll records to the director of labor and training within ten (10) days of their request
11 by the director or his or her designee.

12 (c) In addition, every contractor and subcontractor shall maintain on the site where public
13 works are being constructed and the general or primary contract is one million dollars (\$1,000,000)
14 or more, a daily log of employees employed each day on the public works project. The log shall
15 include, at a minimum, for each employee his or her name, primary job title, and employer and
16 shall be kept on a uniform form prescribed by the director of labor and training. The log shall be
17 available for inspection on the site at all times by the awarding authority and/or the director of the
18 department of labor and training and the director's designee. This subsection shall not apply to
19 road, highway, or bridge public works projects. For any offsite fabrication work subject to this
20 section, the contractor, subcontractor or public body shall include a section in their weekly certified
21 prevailing wage records that provides:

22 (1) The name and address of the manufacturer, shop or other type of prefabrication facility
23 where the fabrication work was performed; and

24 (2) The name, address, and occupational classifications of each mechanic, apprentice,
25 laborer or other employee employed in the performance of such work, the hours worked by, and
26 wages paid to, each such employee.

27 (d) The director of labor and training may promulgate reasonable rules and regulations to
28 enforce the provisions of this section.

29 (e) The awarding authority of any public works project shall withhold the next scheduled
30 payment to any contractor, subcontractor, vendor, or provider who or that fails to comply with the
31 provisions of subsection (a) or subsection (b) above and shall also notify the director of labor and
32 training. The awarding authority shall withhold any further payments until such time as the
33 contractor, subcontractor, or provider has fully complied. If it is a subcontractor who or that has
34 failed to comply, the amount withheld shall be proportionate to the amount attributed or due to the

1 offending subcontractor as determined by the awarding authority. The department may also impose
2 a penalty of up to five hundred dollars (\$500) for each calendar day of noncompliance with this
3 section, as determined by the director of labor and training. Mere errors and/or omissions in the
4 daily logs maintained under subsection (c) shall not be grounds for imposing a penalty under this
5 subsection.

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would require a contractor, subcontractor or public body to include offsite
2 fabrication work in weekly certified prevailing wage records, which would include the name and
3 address of the facility where the fabrication work was performed and the names, addresses, and
4 occupational classifications, and hours and wages, of any mechanic, apprentice or laborer who
5 perform the fabrication work.

6 This act would take effect upon passage.

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