

Enrolled Senate Bill 54

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CHAPTER

AN ACT

Relating to certified statements of payroll records for public works; creating new provisions; and amending ORS 279C.845.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 279C.845 is amended to read:

279C.845. (1) The contractor or the contractor's surety and every subcontractor or the subcontractor's surety shall file certified statements with the public agency in writing, on a form prescribed by the Commissioner of the Bureau of Labor and Industries, certifying:

(a) The hourly rate of wage paid each worker whom the contractor or the subcontractor has employed upon the public works; and

(b) That no worker employed upon the public works has been paid less than the prevailing rate of wage or less than the minimum hourly rate of wage specified in the contract.

(2) The certified statement shall be verified by the oath of the contractor or the contractor's surety or subcontractor or the subcontractor's surety that the contractor or subcontractor has read the certified statement, **[and] that the contractor or subcontractor knows the contents [thereof] of the certified statement** and that *[the same is true]* to the contractor or subcontractor's knowledge **the certified statement is true.**

(3) The certified statements shall set out accurately and completely the **contractor's or subcontractor's** payroll records *[for the prior week]*, including the name and address of each worker, the worker's correct classification, rate of pay, daily and weekly number of hours worked, *[deductions made and actual wages paid]* **and the gross wages the worker earned upon the public works during each week identified in the certified statement.**

(4) The contractor or subcontractor shall deliver or mail each certified statement required by subsection (1) of this section to the public agency. Certified statements for each week during which the contractor or subcontractor employs a worker upon the public works shall be submitted once a month, by the fifth business day of the following month. Information submitted on certified statements may be used only to ensure compliance with the provisions of ORS 279C.800 to 279C.870.

(5) Each contractor or subcontractor shall preserve the certified statements for a period of three years from the date of completion of the contract.

(6) Certified statements received by a public agency are public records subject to the provisions of ORS 192.410 to 192.505.

(7) Notwithstanding ORS 279C.555 or 279C.570 (7), if a contractor is required to file certified statements under this section, the public agency shall retain 25 percent of any amount earned by

the contractor on the public works until the contractor has filed with the public agency certified statements as required by this section. The public agency shall pay the contractor the amount retained under this subsection within 14 days after the contractor files the certified statements as required by this section, regardless of whether a subcontractor has failed to file certified statements as required by this section. The public agency is not required to verify the truth of the contents of certified statements filed by the contractor under this section.

(8) Notwithstanding ORS 279C.555, the contractor shall retain 25 percent of any amount earned by a first-tier subcontractor on a public works until the subcontractor has filed with the public agency certified statements as required by this section. The contractor shall verify that the first-tier subcontractor has filed the certified statements before the contractor may pay the subcontractor any amount retained under this subsection. The contractor shall pay the first-tier subcontractor the amount retained under this subsection within 14 days after the subcontractor files the certified statements as required by this section. Neither the public agency nor the contractor is required to verify the truth of the contents of certified statements filed by a first-tier subcontractor under this section.

SECTION 2. The amendments to ORS 279C.845 by section 1 of this 2009 Act apply to contracts for public works first advertised or, if not advertised, first entered into on or after the effective date of this 2009 Act.

Passed by Senate February 4, 2009

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Secretary of Senate
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President of Senate

Passed by House February 25, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State