

Minority Report
A-Engrossed
Senate Bill 612

Ordered by the Senate May 3
Including Senate Minority Report Amendments dated May 3

Sponsored by nonconcurring members of the Senate Committee on General Government, Consumer and Small Business Protection: Senators BOQUIST, GEORGE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires construction labor contractors to be licensed by Commissioner of Bureau of Labor and Industries. Establishes licensing requirements and fees. Provides exemptions.]

[Requires commissioner to administer and enforce licensing and regulatory requirements and adopt rules. Establishes grounds for denying, suspending or revoking license. Specifies duties of construction labor contractor. Permits commissioner to assess civil penalties for violations. Prohibits certain actions and discrimination against employees.]

[Creates cause of action against person acting as construction labor contractor without license and against person using unlicensed contractor.]

[Declares emergency, effective on passage.]

Requires business to register with Corporation Division of office of Secretary of State before hiring construction labor contractor or executing construction labor contract. Authorizes imposition of civil penalties for violation.

A BILL FOR AN ACT

1
2 Relating to construction labor contractors.

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

4 **SECTION 1. (1) A business may not hire a construction labor contractor or execute a**
5 **construction labor contract unless the business is registered with the Corporation Division**
6 **of the office of Secretary of State.**

7 **(2)(a) The Secretary of State may impose a civil penalty in an amount not to exceed**
8 **\$5,000 for each violation of subsection (1) of this section.**

9 **(b) A civil penalty may not be imposed under this subsection until the business incurring**
10 **the civil penalty has been given notice in writing from the Secretary of State specifying the**
11 **violation. The notice under this paragraph is in addition to the notice required under ORS**
12 **183.745 and shall be served in the same manner as the notice required under ORS 183.745.**

13 **(c) After initial notice as provided in paragraph (b) of this subsection, a civil penalty may**
14 **be imposed in the manner provided in ORS 183.745.**

15 **(d) The Secretary of State may delegate to a hearing officer appointed by the Secretary**
16 **of State, upon such conditions as deemed necessary, all or part of the authority to conduct**
17 **hearings required under ORS 183.745.**

18 **(3) Notwithstanding ORS 180.070 (3), expenses incurred by the Secretary of State or At-**
19 **torney General under this subsection shall be paid from the Operating Account under ORS**
20 **56.041.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4) Notwithstanding ORS 56.041, all civil penalties and costs recovered under this section**
2 **shall be paid to the Secretary of State and shall be deposited in the General Fund available**
3 **for general governmental expenses.**

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