

HOUSE AMENDMENTS TO HOUSE BILL 3264

By COMMITTEE ON BUSINESS AND LABOR

April 21

- 1 In line 2 of the printed bill, before the period insert “; and prescribing an effective date”.
2 Delete lines 4 through 26 and insert:
3 **“SECTION 1. (1) The Department of Transportation shall conduct a pilot program on the**
4 **prompt payment of certain contracts as described in this section.**
5 **“(2) When the department receives an invoice or other demand for payment for qualified**
6 **services from a contractor that is a small business, the department shall pay the invoice or**
7 **demand within 15 days after the later of:**
8 **“(a) The date the department receives the invoice or demand; or**
9 **“(b) The date that payment is due on the invoice or demand.**
10 **“(3) Subsection (2) of this section applies only if the contractor certifies to the depart-**
11 **ment that the contractor is a small business in accordance with this subsection. A certi-**
12 **fication under this subsection must:**
13 **“(a) State the number of employees currently employed by the contractor;**
14 **“(b) Be in writing, signed and dated; and**
15 **“(c) Be transmitted to the department as an attachment to the invoice or demand.**
16 **“(4) Subsection (2) of this section applies only to amounts due for services completed and**
17 **accepted under the terms of the applicable contract.**
18 **“(5) Subsection (2) of this section applies only to invoices or demands that are:**
19 **“(a) Pursuant to contracts executed on or after January 1, 2018; and**
20 **“(b) Received by the department before June 30, 2019.**
21 **“(6) If the department does not timely pay amounts due to a contractor as required by**
22 **subsection (2) of this section, the department shall pay interest to the contractor at the rate**
23 **of 1.5 percent per month on any amounts not timely paid.**
24 **“(7) Nothing in this section affects the contractual rights or obligations of any party.**
25 **“(8) As used in this section:**
26 **“(a) ‘Qualified services’ means architectural, engineering, photogrammetric mapping,**
27 **transportation planning or land surveying services or related services, as those terms are**
28 **defined in ORS 279C.100.**
29 **“(b) ‘Small business’ means a business that employs not more than 50 employees.**
30 **“SECTION 2. A person who knowingly supplies false information to the Department of**
31 **Transportation in connection with a certification under section 1 (3) of this 2017 Act commits**
32 **a Class A misdemeanor.**
33 **“SECTION 3. No later than March 31, 2019, the Department of Transportation shall re-**
34 **port to the Legislative Assembly in the manner provided under ORS 192.245 on the results**
35 **of the pilot program described in section 1 of this 2017 Act.**

1 **“SECTION 4. Sections 1 to 3 of this 2017 Act are repealed on January 2, 2020.**

2 **“SECTION 5. This 2017 Act takes effect on the 91st day after the date on which the 2017**
3 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.”.**

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