

HB 3264-1
(LC 3942)
4/14/17 (DFY/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR

**PROPOSED AMENDMENTS TO
HOUSE BILL 3264**

1 In line 2 of the printed bill, before the period insert “; and prescribing
2 an effective date”.

3 Delete lines 4 through 26 and insert:

4 **“SECTION 1. (1) The Department of Transportation shall conduct
5 a pilot program on the prompt payment of certain contracts as de-
6 scribed in this section.**

7 **“(2) When the department receives an invoice or other demand for
8 payment for qualified services from a contractor that is a small busi-
9 ness, the department shall pay the invoice or demand within 15 days
10 after the later of:**

11 **“(a) The date the department receives the invoice or demand; or**

12 **“(b) The date that payment is due on the invoice or demand.**

13 **“(3) Subsection (2) of this section applies only if the contractor
14 certifies to the department that the contractor is a small business in
15 accordance with this subsection. A certification under this subsection
16 must:**

17 **“(a) State the number of employees currently employed by the
18 contractor;**

19 **“(b) Be in writing, signed and dated; and**

20 **“(c) Be transmitted to the department as an attachment to the in-
21 voice or demand.**

1 “(4) Subsection (2) of this section applies only to amounts due for
2 services completed and accepted under the terms of the applicable
3 contract.

4 “(5) Subsection (2) of this section applies only to invoices or de-
5 mands that are:

6 “(a) Pursuant to contracts executed on or after January 1, 2018; and

7 “(b) Received by the department before June 30, 2019.

8 “(6) If the department does not timely pay amounts due to a con-
9 tractor as required by subsection (2) of this section, the department
10 shall pay interest to the contractor at the rate of 1.5 percent per
11 month on any amounts not timely paid.

12 “(7) Nothing in this section affects the contractual rights or obli-
13 gations of any party.

14 “(8) As used in this section:

15 “(a) ‘Qualified services’ means architectural, engineering, pho-
16 togrammetric mapping, transportation planning or land surveying
17 services or related services, as those terms are defined in ORS
18 279C.100.

19 “(b) ‘Small business’ means a business that employs not more than
20 50 employees.

21 “SECTION 2. A person who knowingly supplies false information to
22 the Department of Transportation in connection with a certification
23 under section 1 (3) of this 2017 Act commits a Class A misdemeanor.

24 “SECTION 3. No later than March 31, 2019, the Department of
25 Transportation shall report to the Legislative Assembly in the manner
26 provided under ORS 192.245 on the results of the pilot program de-
27 scribed in section 1 of this 2017 Act.

28 “SECTION 4. Sections 1 through 3 of this 2017 Act are repealed on
29 January 2, 2020.

30 “SECTION 5. This 2017 Act takes effect on the 91st day after the

1 **date on which the 2017 regular session of the Seventy-ninth Legislative**
2 **Assembly adjourns sine die.”**

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