

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4154**

1 On page 1 of the printed bill, after line 8, insert:

2 “(c) ‘Exclusive representative’ has the meaning given that term in ORS
3 663.015.”.

4 In line 9, delete “(c)” and insert “(d)”.

5 Delete lines 22 through 24 and insert:

6 “(4) The exclusive representative of a collective bargaining unit that re-
7 presents the employee wage claimant may bring an action against the con-
8 tractor on behalf of the employee to enforce the liability prescribed by
9 subsection (2)(a) of this section.”.

10 On page 2, delete line 21 and insert “279C.800 to 279C.870”.

11 “(11)(a) Every contract entered into between a contractor and a first-tier
12 subcontractor or between a first-tier subcontractor and a subcontractor at
13 any tier to use the services of a subcontractor to perform construction work
14 must include at a minimum:

15 “(A) A provision in which the subcontractor agrees to make timely pay-
16 ments to employees of the subcontractor for wages earned for services per-
17 formed under the contract; and

18 “(B) A provision that permits the contractor to withhold payment to a
19 subcontractor at any tier for the failure of a subcontractor to make timely
20 payments to employees of the subcontractor for wages earned for services
21 performed under the contract.

1 “(b) Lack of privity does not deprive the commissioner or an exclusive
2 representative of a collective bargaining unit that represents an employee
3 wage claimant from bringing an action against a contractor to enforce the
4 liability prescribed by subsection (2)(a) of this section.”.

5 In line 22, delete “(11)” and insert “(12)”.

6 Delete lines 30 through 33 and insert:

7 “(c) A contractor may pay to an employee of a subcontractor an amount
8 equal to wages earned and unpaid and withhold payment to the subcontrac-
9 tor until:

10 “(A) The subcontractor satisfies the contractor’s request for information
11 under subsection (8) of this section; and

12 “(B)(i) A court order has been issued in the wage claim proceeding under
13 ORS chapter 652; or

14 “(ii) The commissioner dismisses the wage claim proceeding, enters into
15 a settlement agreement or enters a final order in the matter.”.

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