S T A T E O F N E W Y O R K

403

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JOHN, NOLAN, ORTIZ, PERALTA, COLTON -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to lists of independent contractors

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 220 of the labor law is amended by adding a new subdivision 10 to read as follows:

10. WITHIN THIRTY DAYS AFTER THE COMPLETION OF A PUBLIC WORKS PROJECT SUBJECT TO THE PROVISIONS OF THIS ARTICLE, EVERY PERSON, CORPORATION OR ANY OTHER BUSINESS ENTITY CONTRACTING WITH THE STATE FOR ANY CONSTRUCTION, RECONSTRUCTION, RENOVATION, REPAIR, MAINTENANCE OR OTHER IMPROVEMENT, AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, OR ANY SUBCONTRACTOR OF SUCH PERSON, CORPORATION OR OTHER BUSINESS ENTITY, SHALL SUBMIT A LIST TO THE COMMISSIONER, AFFIRMED BY SUCH PERSON, CORPORATION OR OTHER BUSINESS ENTITY TO BE TRUE UNDER PENALTY OF PERJURY, SETTING FORTH ALL INDIVIDUALS CLASSIFIED BY SUCH PERSON, CORPORATION OR OTHER BUSINESS ENTITY, OR ANY SUBCONTRACTOR OF SUCH PERSON, CORPORATION OR OTHER BUSINESS ENTITY, AS INDEPENDENT CONTRACTORS AND HIRED, EMPLOYED, OR USED BY SUCH PERSON, CORPORATION OR OTHER BUSINESS ENTITY OR SUCH PERSON'S, CORPORATION'S, OR OTHER BUSINESS ENTITY'S SUBCONTRACTORS AND ON SUCH PROJECT, WHO PERFORM WORK SUBJECT TO THE PROVISIONS OF THIS ARTICLE. SUCH LIST SHALL INCLUDE THE NAME, SOCIAL SECURITY NUMBER, JOB TITLE AND ADDRESS FOR EACH INDEPENDENT CONTRACTOR. SUCH LIST SHALL BE SUBMITTED WITH A FEE OF TEN DOLLARS PER INDEPENDENT CONTRACTOR NAMED ON SUCH LIST. SUCH FEE SHALL BE DEPOSITED IN THE PREVAILING WAGE ENFORCEMENT FUND FOR THE PURPOSE OF INVESTIGATING AND PROSECUTING VIOLATIONS OF LAW RELATING TO THE MISCLASSIFICATION OF INDEPENDENT CONTRACTORS.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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