§ 220-i. Registration system for contractors and subcontractors. 1. As used in this section:

a. "Contractor" means any entity entering into a contract to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication, which is subject to the provisions of this article.

b. "Subcontractor" means any entity subcontracting with a contractor to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication, which is subject to the provisions of this article.

c. "Covered project" means any project subject to the provisions of this article, including but not limited to, public work projects and those subject to the provisions of sections two hundred twenty-four-a and two hundred twenty-four-d of this article.

2. a. In accordance with subdivision six of this section, a contractor or subcontractor shall register in writing with the commissioner on a form provided by the commissioner. The form shall require the following information:

i. The name, principal business address and telephone number of the contractor or subcontractor.

ii. Whether the contractor is a person, partnership, association, joint stock company, trust, corporation, or other form of business entity.

iii. The name and address of each person with an ownership interest in the contractor or subcontractor and the percentage interest, except that if the contractor or subcontractor is a publicly-traded corporation, the contractor or subcontractor shall supply the names and addresses of the corporation's officers.

iv. The contractor's or subcontractor's tax identification number,

unemployment insurance registration number, and workers' compensation board employer number.

v. Whether the contractor or subcontractor has any outstanding wage assessments against it, pursuant to this article.

vi. Whether the contractor or subcontractor has been debarred under New York or federal law within the last eight years.

vii. Whether the contractor or subcontractor has been debarred pursuant to the laws of any other state within the last eight years.

viii. Whether the contractor or subcontractor has been finally determined by the appropriate authority to have violated any labor laws or employment tax laws including, but not limited to, the requirement to have workers' compensation coverage, payment of workers' compensation premiums, deduction and payment of income taxes, payment of unemployment insurance contributions or payment of prevailing wage.

ix. Whether the contractor or subcontractor has been finally determined by the appropriate authority to have violated any laws establishing workplace safety standards including the federal Occupational Safety and Health Act.

x. Whether or not the contractor or subcontractor is associated, or a signatory to, an apprenticeship program under article twenty-three of this chapter. If so, the apprenticeship program shall be provided by the contractor or subcontractor.

xi. Whether or not the contractor or subcontractor is a minority or women-owned business enterprise pursuant to the provisions of article fifteen-A of the executive law.

b. At the time of registration, and upon request, the contractor or subcontractor shall submit to the commissioner documentation demonstrating that the contractor or subcontractor has workers' compensation insurance coverage for all workers as required by law,

including any and all declarations and information pages related to such policy which shall be electronically accessible and searchable to the public, provided however, that in no event shall a worker's name or other personal identifying information be included in such database. This information shall be made readily available to the public by the commissioner within forty-eight hours of the initial public request.

3. The contractor or subcontractor shall pay a non-refundable registration fee of two hundred dollars to the commissioner which shall be paid to the general fund. The commissioner, through regulations, shall reduce the registration fee associated with minority or women-owned business enterprises in order to promote the use of such businesses on covered projects.

4. Unless the commissioner determines a contractor or subcontractor unfit to be registered, the commissioner shall issue a certificate of registration to the contractor or subcontractor upon receipt of the fee, form and documentation required by this section. A registration certificate shall be valid for two calendar years from the date of registration. Registrations may be renewed not less than ninety days before the expiration date of the immediately preceding registration. The commissioner shall promulgate regulations to determine under what circumstances a contractor or subcontractor would be unfit to be registered pursuant to this section; provided that a contractor or subcontractor shall not be determined to be unfit solely because a contractor or subcontractor was debarred within the last eight years, unless such contractor or subcontractor is currently debarred or ineligible pursuant to subdivision three of section two hundred twenty-b of this article or section one hundred forty-one-b of the workers' compensation law or such contractor or subcontractor is subject to a final administrative or court order for violation of state or federal prevailing wage law which has not been fully satisfied, provided further that a contractor that has made payment for unpaid wages on behalf of a subcontractor shall not be determined unfit solely as a result of actions of a subcontractor. The commissioner shall, before making a determination of unfitness, notify the contractor or subcontractor in writing of the reasons for such proposed determination and afford the

contractor or subcontractor an opportunity to cure or be heard prior to the determination. Such notice shall notify the contractor or subcontractor that a request for a hearing must be made within thirty days after issuance of such notification. If a hearing is requested, such hearing shall be held at such time and place as the commissioner shall prescribe. If the contractor or subcontractor fails to make a written request for a hearing within thirty days after issuance of such notification, then the notification of determination shall become the final determination of the commissioner. Any documents, reports, or information that form a basis for such determination shall be provided to the contractor or subcontractor no less than ten days before the hearing. For purposes of this subdivision, the term "unfit" shall mean a contractor or subcontractor who the commissioner determines to be unable to lawfully adhere to contractual obligations of this article and responsibilities including prevailing wage requirements pursuant to this article. Such determination shall be based on a clearly documented history, official record of past dealings, or a present demonstrable inability to lawfully adhere to such obligations and responsibilities.

5. If the registration of a contractor or subcontractor lapses while performing contracted work on a covered project, that contractor or subcontractor shall not be prohibited from completing its contracted work on such covered project. For a contractor or subcontractor who has been determined unfit while performing contracted work on a covered project at the time of such determination, then the continuation of its contracted work shall only continue if a monitor is appointed to oversee the work completed at the sole expense of such contractor or subcontractor. Nothing herein shall prevent a contractor or subcontractor from fulfilling contractual obligations solely based on receiving a notice of proposed determination of unfitness. Such monitor must be approved by the commissioner.

6. No contractor shall bid on a contract for public work unless such contractor is registered pursuant to this section. In the case of a covered project subject to section two hundred twenty-four-a or two hundred twenty-four-d of this article, or other projects that are privately owned and subject to provisions of this article, contractors

must register prior to commencing any work on a covered project. Subcontractors must be registered prior to commencing any work on a covered project. Further, each contractor must submit their certificate of registration at the time the bid is made. Applications for registration shall not be accepted as a substitute for a certificate of registration for the purposes of this section.

7. For covered projects as defined in section two hundred twenty-four-a or two hundred twenty-four-d of this article or other projects that are privately owned and subject to provisions of this article, the owner or developer of such covered project must ensure that any contractor that is hired, or subcontractor that is hired, to perform work on such project is registered pursuant to this section prior to that contractor or subcontractor commencing work on the covered project for which it was contracted.

8. a. A contractor who bids on a contract for public work knowing that it is not registered, or allows a subcontractor to commence work on a covered project that it knows or should have known is not registered pursuant to subdivision six of this section shall, after notice and a hearing, be subject to a civil penalty of up to one thousand dollars. For covered projects performed under private contract, as defined in section two hundred twenty-four-a or two hundred twenty-four-d of this article, or for other projects that are privately owned and subject to the provisions of this article, an owner or developer who commences work with a contractor or subcontractor that it knows or should have known is not registered pursuant to subdivision six of this section shall, after notice and hearing, be subject to a civil penalty of up to one thousand dollars. A contractor or subcontractor who commences work on a covered project knowing that it is not registered or contracts with a subcontractor that it knows or should have known is not registered for work on a covered project shall, after notice and hearing be subject to a civil penalty of up to one thousand dollars.

b. The commissioner may revoke or suspend a registration if a contractor or subcontractor has been finally determined to be in violation of the prevailing wage requirements of this article, provided

however that such contractor or subcontractor shall be afforded a hearing prior to any revocation or suspension.

c. Nothing in this section shall be construed to limit or supersede the authority of any state or municipal entity to enforce existing labor laws, safety standards, regulations, codes or any other existing laws relative to public work.

d. A registration pursuant to this section is not necessary for a bid or work on a contract for public work and penalties pursuant to this section shall not apply when a state of emergency is declared pursuant to section twenty-four of the executive law, when the governor declares a disaster emergency pursuant to section twenty-eight of the executive law, or when the President issues a major disaster or emergency declaration and such work arises from or is in connection with the actual or impending declared emergency or disaster or pursuant to an emergency construction contract, or other contract entered into due to an urgent and unexpected event where public safety or the conservation of public resources is at risk, as authorized by law, including but not limited to the public buildings law, the state finance law, the general municipal law, or the public authorities law.

9. The commissioner shall establish and maintain an online system to make available all registrations and disclosures required by this section, except for any personally identifiable information, including home address and percentages of ownership interest in privately held entities.

10. The commissioner shall prescribe regulations necessary to carry out the provisions of this section.