

2023 -- S 0918

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS
BY CONTRACTORS

Introduced By: Senator Matthew L. LaMountain

Date Introduced: March 30, 2023

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-13-1 and 37-13-13 of the General Laws in Chapter 37-13 entitled
2 "Labor and Payment of Debts by Contractors" are hereby amended to read as follows:

3 **37-13-1. Definitions.**

4 As used in this chapter:

5 (1) "Manufacturer" means a person or entity that has a certified underwriter laboratory
6 (UL) or nationally recognized equivalent that produces finished products for trade or sale to
7 consumers, wholesalers, distributors, retailers or to other manufacturers, does not conduct unrelated
8 business on the premises, and has no relation to the customer, purchaser, or installer.

9 (2) "Offsite fabrication" means prefabricated building products or components that are:

10 (i) Produced specifically for a public works project;

11 (ii) Considered to be non-standard items; and

12 (iii) Produced at an offsite location, including without limitation, those made or consisting
13 of fabricated pipe, piping materials or fixtures electrical wiring, sheet metal materials or any
14 systems, components or modular units made of any of the foregoing.

15 ~~(3)~~(3) "Public works" means any public work project consisting of grading, clearing,
16 demolition, improvement, completion, repair, alteration, or construction of any public road or any
17 bridge, or portion thereof, or any public building, or portion thereof, or any heavy construction, or
18 any public works projects of any nature or kind whatsoever. For purposes of this section "public

1 [works" shall be deemed to include offsite fabrication.](#)

2 ~~(2)~~(4) "School transportation services" means those transportation and related services
3 provided for the transportation of public and private students pursuant to §§ 16-21-1 and 16-21.1-
4 8.

5 **37-13-13. Furnishing payroll record to the awarding authority.**

6 (a) Every contractor, subcontractor, vendor, or provider awarded a contract for public
7 works or school transportation services as defined by this chapter shall furnish a certified copy of
8 his, her, or its payroll records of his, her, or its employees employed on the project to the awarding
9 authority on a monthly basis for all work completed in the preceding month on a uniform form
10 prescribed by the director of labor and training. Notwithstanding the foregoing, certified payrolls
11 for department of transportation or other road, highway, or bridge public works may be submitted
12 on the federal payroll form, provided that, when a complaint is being investigated, the director or
13 his or her designee may require that a contractor resubmit the certified payroll on the uniform
14 department form or provide actual payroll records.

15 (b) Awarding authorities, contractors, subcontractors, vendors, and providers shall provide
16 any and all payroll records to the director of labor and training within ten (10) days of their request
17 by the director or his or her designee.

18 (c) In addition, every contractor and subcontractor shall maintain on the site where public
19 works are being constructed and the general or primary contract is one million dollars (\$1,000,000)
20 or more, a daily log of employees employed each day on the public works project. The log shall
21 include, at a minimum, for each employee his or her name, primary job title, and employer and
22 shall be kept on a uniform form prescribed by the director of labor and training. The log shall be
23 available for inspection on the site at all times by the awarding authority and/or the director of the
24 department of labor and training and the director's designee. This subsection shall not apply to
25 road, highway, or bridge public works projects. [For any offsite fabrication work subject to this](#)
26 [chapter, the contractor, subcontractor or public body shall include a section in their certified](#)
27 [prevailing wage records that provides:](#)

28 [\(1\) The name and address of any manufacturer conducting offsite fabrication, or other type](#)
29 [of offsite or prefabrication facility where offsite fabrication work was performed; and](#)

30 [\(2\) The name, address, and occupational classifications of each mechanic, apprentice,](#)
31 [laborer or other employee employed in the performance of such work, the hours worked by, and](#)
32 [wages paid to, each such employee.](#)

33 (d) The director of labor and training may promulgate reasonable rules and regulations to
34 enforce the provisions of this section.

1 (e) The awarding authority of any public works project shall withhold the next scheduled
2 payment to any contractor, subcontractor, vendor, or provider who or that fails to comply with the
3 provisions of subsection (a) or subsection (b) above and shall also notify the director of labor and
4 training. The awarding authority shall withhold any further payments until such time as the
5 contractor, subcontractor, or provider has fully complied. If it is a subcontractor who or that has
6 failed to comply, the amount withheld shall be proportionate to the amount attributed or due to the
7 offending subcontractor as determined by the awarding authority. The department may also impose
8 a penalty of up to five hundred dollars (\$500) for each calendar day of noncompliance with this
9 section, as determined by the director of labor and training. Mere errors and/or omissions in the
10 daily logs maintained under subsection (c) shall not be grounds for imposing a penalty under this
11 subsection.

12 SECTION 2. Chapter 37-13 of the General Laws entitled "Labor and Payment of Debts by
13 Contractors" is hereby amended by adding thereto the following section:

14 **37-13-3.3. Provisions applicable to offsite fabrication.**

15 [All offsite fabrication work for any public works project covered by this chapter shall be](#)
16 [subject to the wage and reporting requirements of this chapter.](#)

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide that offsite fabrication work for public works projects be subject to
2 the prevailing wage and reporting requirements thereto and would require a contractor,
3 subcontractor or public body to include offsite fabrication work in weekly certified prevailing wage
4 records, which would include the name and address of the facility where the fabrication work was
5 performed and the names, addresses, and occupational classifications, and hours and wages, of any
6 mechanic, apprentice or laborer who perform the fabrication work.

7 This act would take effect upon passage.

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