

Senate File 69 - Introduced

SENATE FILE 69

BY DAWSON

A BILL FOR

1 An Act requiring that contractors provide information
2 about persons performing construction work on certain
3 public improvement projects to the labor commissioner,
4 making penalties applicable, and including applicability
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 73A.29 Contractors for public
2 improvement projects — information to be filed with the labor
3 commissioner.

4 1. For purposes of this section, "contractor" means any
5 person that enters into a contract for the performance of
6 construction work on a public improvement project.

7 2. a. A contractor shall file the following information
8 with the labor commissioner prior to the contractor performing
9 any construction work on a public improvement project:

10 (1) The contractor's name.

11 (2) The address of the contractor's principal place of
12 business.

13 (3) A mailing address for the contractor that is suitable
14 for receiving information relating to the enforcement of this
15 section, if different than the address provided pursuant to
16 subparagraph (2).

17 (4) The contractor's telephone number.

18 (5) The contractor's electronic mail address, if any.

19 (6) The name, mailing address, telephone number, and
20 electric mail address, if any, of any individual serving as a
21 point of contact for the contractor for purposes of enforcement
22 of this section, if different than information provided
23 pursuant to subparagraphs (1) through (5).

24 b. A contractor shall file the following information about
25 each person with which the contractor enters into a contract
26 for the performance of any construction work on a public
27 improvement project with the labor commissioner prior to the
28 person performing any construction work on a public improvement
29 project:

30 (1) The person's name.

31 (2) The address of the person's principal place of business.

32 (3) A mailing address for the person that is suitable for
33 receiving information relating to the enforcement of this
34 section, if different than the address provided pursuant to
35 subparagraph (2).

1 (4) The person's telephone number.

2 (5) The person's electronic mail address, if any.

3 (6) The name, mailing address, telephone number, and
4 electric mail address, if any, of any individual serving as a
5 point of contact for the person for purposes of enforcement of
6 this section, if different than information provided pursuant
7 to subparagraphs (1) through (5).

8 3. The requirements of subsection 2 apply to each contractor
9 in each tier of subcontractors that enters into a contract with
10 any other person described in subsection 2, paragraph "b".

11 Sec. 2. Section 91C.8, subsection 1, Code 2021, is amended
12 to read as follows:

13 1. The labor commissioner and inspectors of the division of
14 labor services of the department of workforce development have
15 jurisdiction for investigation and enforcement in cases where
16 contractors may be in violation of the requirements of this
17 chapter or rules adopted pursuant to [this chapter](#) and where
18 contractors as defined in section 73A.29 may be in violation of
19 the requirements of that section.

20 Sec. 3. Section 91C.8, Code 2021, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 2A. If, upon investigation, the labor
23 commissioner or the commissioner's authorized representative
24 believes that a contractor as defined in section 73A.29 has
25 violated the requirements of section 73A.29, the commissioner
26 shall with reasonable promptness issue a citation to the
27 contractor.

28 Sec. 4. APPLICABILITY. This Act applies to contracts for
29 public improvement projects awarded on or after January 1,
30 2022.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill requires that a contractor file certain specified
35 information with the labor commissioner prior to the contractor

1 performing any construction work on a public improvement
2 project. The bill requires that a contractor file similar
3 information with the labor commissioner about each person with
4 which the contractor enters into a contract for the performance
5 of any construction work on a public improvement project prior
6 to the person performing any construction work on a public
7 improvement project. The required information includes the
8 contractor or person's name, address of principal place of
9 business, and other specified contact information.

10 The bill provides the labor commissioner with the authority
11 under Code chapter 91C to investigate violations of and
12 enforce the requirements of the bill, as well as to issue
13 citations for such violations. Code chapter 91C provides for
14 administrative penalties of not more than \$500 in the case of a
15 first violation and not more than \$5,000 for each subsequent
16 violation.

17 The bill defines a "contractor" as any person that enters
18 into a contract for the performance of construction work on a
19 public improvement project.

20 Current Code defines "public improvement" as any building or
21 construction work which is constructed, repaired, remodeled,
22 or demolished under the control of a governmental entity and
23 is paid for in whole or in part with funds of the governmental
24 entity, including a building or improvement constructed or
25 operated jointly with any other public or private agency.

26 The bill applies to contracts for public improvement
27 projects awarded on or after January 1, 2022.