

SB 179
Labor Contracts
Construction, Farm, Garment, Janitorial, Security Guards
Effective 1/1/04

This bill would provide that any person or entity who enters into a labor contract for construction, farm labor, garment, janitorial, or security guard services when the person or entity knows or should know that the contract does not provide funds sufficient to allow the labor contractor to comply with all applicable laws or regulations governing the labor or services to be provided under the contract, is subject to liability and specified civil penalties

A defense against knowing violation can be made if the contract (a single written document) contains all of the following:

1. The name, address, and telephone number of the person or entity and the construction, farm labor, garment, janitorial, or security guard contractor through whom the labor or services are to be provided.
2. A description of the labor or services to be provided and a statement of when those services are to be commenced and completed.
3. The employer identification number for state tax purposes of the construction, farm labor, garment, janitorial, or security guard contractor.
4. The workers' compensation insurance policy number and the name, address, and telephone number of the insurance carrier of the construction, farm labor, garment, janitorial, or security guard contractor.
5. The vehicle identification number of any vehicle that is owned by the construction, farm labor, garment, janitorial, or security guard contractor and used for transportation in connection with any service provided pursuant to the contract or agreement, the number of the vehicle liability insurance policy that covers the vehicle, and the name, address, and telephone number of the insurance carrier.
6. The address of any real property to be used to house workers in connection with the contract or agreement.
7. The total number of workers to be employed under the contract or agreement, the total amount of all wages to be paid, and the date or dates when those wages are to be paid.
8. The amount of the commission or other payment made to the construction, farm labor, garment, janitorial, or security guard contractor for services under the contract or agreement.
9. The total number of persons who will be utilized under the contract or agreement as independent contractors, along with a list of the current local, state, and federal contractor license identification numbers that the independent contractors are required to have under local, state, or federal laws or regulations.
10. The signatures of all parties, and the date the contract or agreement was signed.

Agreements must be kept for four years after termination of such agreement. There are some exemptions for collective bargaining agreements or for services provided in a person's home residence.

A penalty of actual damages or \$250 per employee per violation can be imposed – as well as costs and attorney fees.