



General Assembly

January Session, 2023

**Raised Bill No. 6792**

LCO No. 4718



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING WAGE THEFT RESPONSIBILITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) As used in this section and  
2 sections 2 and 3 of this act:

3 (1) "Construction contract" means a written or oral agreement (A) for  
4 the construction, reconstruction, alteration, maintenance, moving or  
5 demolition of any building, structure or improvement, or (B) relating to  
6 the excavation of or other development or improvement to land.  
7 "Construction contract" does not include any contract that is subject to  
8 section 31-53 of the general statutes;

9 (2) "Contractor" means any person, firm, partnership, corporation,  
10 association, company, organization or other entity, including, but not  
11 limited to, a construction manager, general or prime contractor, joint  
12 venture, or any combination thereof, that enters into a construction  
13 contract with an owner;

14 (3) "Owner" means any person, firm, partnership, corporation,  
15 association, company, organization or other entity, or combination of

16 any thereof, that causes (A) a new building or structure to be  
17 constructed or an existing building or structure or improvement to be  
18 constructed, altered, repaired, maintained, moved or demolished, or (B)  
19 land to be excavated or otherwise developed or improved; and

20 (4) "Subcontractor" means any person, firm, partnership, corporation,  
21 association, company, organization or other entity, or any combination  
22 thereof, that is a party to a contract with a contractor, or a party to a  
23 contract with another party who has a separate contract with a  
24 contractor, that performs any portion of work, at any tier, within the  
25 scope of such contractor's construction contract with an owner,  
26 including where the subcontractor has no direct privity of contract with  
27 the contractor.

28 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) On and after October 1,  
29 2023, any contractor that makes or enters into a construction contract  
30 with an owner shall be liable for any debt resulting from an action  
31 brought under section 31-72 of the general statutes, owed to an  
32 employee or labor organization representing an employee, incurred by  
33 a subcontractor at any tier acting under, by or for such contractor or its  
34 subcontractors, for the employee's performance of labor.

35 (b) On and after October 1, 2023, no agreement, either in the existing  
36 construction contract with an owner or in another contract, to waive or  
37 release liability assigned to a contractor under this section shall be valid,  
38 except as provided in this section. No provision of this section shall be  
39 deemed to impair the rights of a contractor to maintain an action against  
40 a subcontractor for the amount of owed wages that are paid by a  
41 contractor pursuant to this section.

42 (c) No contractor or any other person shall evade or commit any act  
43 that negates the requirements of this section, provided this section shall  
44 not be deemed to prohibit a contractor or subcontractor from  
45 establishing, by contract, or enforcing any other lawful remedies against  
46 a subcontractor, that such contractor or subcontractor hires, for liability  
47 created by violation of this section, provided such contract or

48 arrangement does not diminish the right of an employee to bring an  
49 action under section 31-72 of the general statutes.

50 (d) In the case of a civil action brought against a subcontractor under  
51 section 31-72 of the general statutes, the contractor shall be considered  
52 jointly and severally liable for any unpaid wages, benefits, wage  
53 supplements and any other remedies available under section 31-72 of  
54 the general statutes.

55 (e) In the case of a civil action brought by an employee under section  
56 31-72 of the general statutes, such employee may designate any person,  
57 organization or collective bargaining agent to file a civil action or a  
58 complaint with the Labor Commissioner on such employee's behalf.

59 (f) Any liability assigned to a contractor pursuant to the provisions of  
60 this section shall be limited to claims that occurred not earlier than three  
61 years prior to the initiation of such claim in Superior Court or the  
62 commencement of a civil action brought by the Labor Commissioner  
63 under section 31-72 of the general statutes.

64 (g) Nothing in this section shall prevent the Labor Commissioner  
65 from bringing a civil action under section 31-72 of the general statutes  
66 to collect unpaid wages and penalties on behalf of an employee  
67 pursuant to this section.

68 Sec. 3. (NEW) (*Effective October 1, 2023*) (a) Upon request of a  
69 contractor or a contractor's subcontractor, a subcontractor shall provide  
70 such contractor or subcontractor with certified payroll records. Such  
71 payroll records shall indicate a subcontractor's payment status in paying  
72 wages and making any applicable fringe or other benefit payments or  
73 contributions to a third party on each employee's behalf. Such payroll  
74 records shall be marked or redacted to an extent only to prevent  
75 disclosure of an employee's full Social Security number. Such request  
76 shall be sent to the subcontractor, by certified mail, and shall notify the  
77 subcontractor that they have thirty days to respond.

78 (b) Upon request of a contractor or a contractor's subcontractor, a

79 subcontractor shall provide such contractor or subcontractor: (1) The  
80 names of all employees the subcontractor employs on the project,  
81 including the names of all those designated as "independent  
82 contractors"; (2) when applicable, the name of the contractor's  
83 subcontractor with whom such subcontractor is under contract; (3) the  
84 anticipated contract start date; (4) the scheduled duration of work; (5)  
85 when applicable, collective bargaining agents with whom such  
86 subcontractor is a signatory contractor; and (6) the name, address and  
87 phone number of a contractor for such subcontractor. Such request shall  
88 be sent to the subcontractor, by certified mail, and shall notify the  
89 subcontractor that they have thirty days to respond.

90 (c) Failure to comply with a request for information in accordance  
91 with subsections (a) and (b) of this section shall be cause for a contractor  
92 to withhold payments owed to a subcontractor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	New section

**Statement of Purpose:**

To require a contractor to be liable for the unpaid wages of a subcontractor, at any tier, that performs any portion of work within the scope of the contractor's construction contract.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*