



General Assembly

Substitute Bill No. 6792

January Session, 2023



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
2 and sections 2 and 3 of this act:

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

19 (B) land to be excavated or otherwise developed or improved; and

20 (4) "Subcontractor" means any person, firm, partnership,
21 corporation, association, company, organization or other entity, or any
22 combination thereof, that is a party to a contract with a contractor, or a
23 party to a contract with another party who has a separate contract with
24 a 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
27 with 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 that is owed to an employee
31 resulting from an action brought under section 31-72 of the general
32 statutes by a subcontractor, at any tier, acting under, by or for such
33 contractor or its subcontractors, for such employee's performance of
34 labor under such construction contract.

35 (b) (1) On and after October 1, 2023, no agreement, either in the
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
38 valid, except as provided in this section.

39 (2) No provision of this section shall be deemed to impair the rights
40 of a contractor to bring an action against a subcontractor for the
41 amount of owed wages that are paid by a contractor under this section.

42 (c) No contractor or any other person shall evade or commit any act
43 that negates the requirements of this section. Nothing in this section
44 shall be deemed to prohibit a contractor or subcontractor from
45 establishing, by contract, or enforcing any other lawful remedies
46 against a subcontractor, that such contractor or subcontractor hires, for
47 liability 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
51 under section 31-72 of the general statutes, the contractor shall be
52 considered jointly and severally liable for any unpaid wages, wage
53 supplements and any other remedies available under section 31-72 of
54 the general statutes.

55 (e) (1) In the case of a civil action brought by an employee under
56 section 31-72 of the general statutes, such employee may designate any
57 person, organization or collective bargaining agent to file a civil action
58 or a complaint with the Labor Commissioner on such employee's
59 behalf. Not less than ten days prior to bringing a civil action under
60 section 31-72 of the general statutes, an employee, or an employee's
61 designee, shall provide notice of the alleged violation to a contractor.
62 Such notice shall describe the general nature of the alleged violation.
63 Any notice provided to a contractor shall not limit the liability of the
64 contractor or preclude subsequent amendments of an action to
65 encompass additional employees employed by the subcontractor.

66 (2) No employee, or employee's designee, shall be required to
67 provide notice to a contractor pursuant to this subsection if such
68 employee, or employee's designee, has previously given notice to such
69 contractor of the same violation or a prior violation by the same
70 subcontractor.

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

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

80 Sec. 3. (NEW) (*Effective October 1, 2023*) (a) Upon request of a
81 contractor or a contractor's subcontractor, a subcontractor shall

82 provide such contractor or contractor's subcontractor with payroll
83 records attested to and certified to be accurate and complete. Such
84 payroll records shall indicate a subcontractor's payment status in
85 paying wages and making any applicable fringe or other benefit
86 payments or contributions to a third party on each employee's behalf.
87 Such payroll records shall be marked or redacted to an extent only to
88 prevent disclosure of an employee's full Social Security number. Such
89 request shall be sent to the subcontractor, by certified mail, and shall
90 notify the subcontractor that they have thirty days to respond.

91 (b) Upon request of a contractor or a contractor's subcontractor, a
92 subcontractor shall provide such contractor or contractor's
93 subcontractor: (1) The names of all employees the subcontractor
94 employs on the project, including the names of all those designated as
95 independent contractors; (2) when applicable, the name of the
96 contractor's subcontractor with whom such subcontractor is under
97 contract; (3) the anticipated contract start date; (4) the scheduled
98 duration of work; (5) when applicable, collective bargaining agents
99 with whom such subcontractor is a signatory contractor; and (6) the
100 name, address and phone number of a contractor for such
101 subcontractor. Such request shall be sent to the subcontractor, by
102 certified mail, and shall notify the subcontractor that they have thirty
103 days to respond.

104 (c) Failure to comply with a request for information under
105 subsections (a) and (b) of this section shall be cause for a contractor to
106 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 Legislative Commissioners:

Section 2(a) was rewritten for clarity, Section 2(b) was divided into Subdivs. and rewritten for clarity, in Section 2(c) ", provided this section shall not" was changed to ". Nothing in this section shall" for consistency with standard drafting conventions, in Section 2(e) "give" was changed to "provide" and "A" was changed to "Any" for consistency with standard drafting conventions, in Section 3(a) and (b) "contractor's" was added before "subcontractor" for clarity, and in Section 3(c) "in accordance with" was changed to "under" for consistency with standard drafting conventions.

LAB *Joint Favorable Subst.*