

CHAPTER 401
FORMERLY
HOUSE BILL NO. 270
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29 of the Delaware Code by making insertions as shown by underline as follows:

§ 6967. Requirement of occupational and business license.

(a) All contractors, subcontractors and independent contractors shall have a proper and current occupational and/or business license, as required by Title 30, to enter or perform work under a public works contracts. It is the responsibility of a contractor to verify and make a record that all subcontractors or independent contractors working for such contractor pursuant to a public works contract shall have their occupational and/or business licenses, as required by Title 30.

(b) No agency shall accept a proposal for a public works contract unless such contractor has provided a proper and current copy of its occupational and/or business license, as required by Title 30, to such agency.

(c) Any contractor that enters a public works contract must provide to the agency to which it is contracting, within 30 days of entering such public works contract, copies of all occupational and business licenses of subcontractors and/or independent contractors that will perform work for such public works contract. However, if a subcontractor or independent contractor is hired or contracted more than 20 days after the contractor entered the public works contract the occupational or business license of such subcontractor or independent contractor shall be provided to the agency within 10 days of being contracted or hired.

(d) Any contractor, subcontractor or independent contractor that does not have a proper and current occupational and/or business license, as required by Title 30, while working under a public works contract shall be subject to a civil penalty not to exceed \$1,000. Such penalty shall be enforced by the Director of Revenue and administered in accordance with Chapters 3 and 5 of Title 30. This penalty shall be in addition to any other penalties imposed pursuant to Title 30 of the Delaware Code.

Section 2. All agencies that enter a public works contract for a period of 1 year from enactment of this Act shall keep records of any violation of this law and provide such records to the Office of Management and Budget. The Office of Management and Budget shall prepare a report of all violations that shall be provided to the Speaker of the House and President Pro Tempore on or before January 1, 2016.

Section 3. This Act shall become effective on September 1, 2014.

Section 4. The provision of § 6967(b) and (c), Title 29 of the Delaware Code, shall apply only to public works solicitations advertised after September 1, 2014.

Approved August 11, 2014