SPONSOR: Sen. Walsh & Rep. Osienski & Rep. K. Williams
Sen. Hoffner; Reps. Burns, Gorman, Heffernan, Lambert, Morrison, Romer, Wilson-Anton

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 63
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO LABOR.

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

Section 1. Amend § 3503, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3503. ~~Acts~~ Requirements; acts prohibited.

(e)(1) A person must not knowingly conspire with, aid and abet, assist, advise, or facilitate an employer with the intent of violating the provisions of this chapter.

(2) Notwithstanding paragraph (e)(1) of this section, a general contractor is responsible for a subcontractor's violations of this chapter.

Section 2. Amend § 3505, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3505. Penalties.

(j) (1) A general contractor is jointly and severally liable for a subcontractor's penalties and restitution under this section.

(2) A general contractor's liability for a subcontractor's penalties under paragraph (j)(1) of this section does not include debarment under paragraph (h)(1) of this section.

Section 3. Amend § 3510, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3510. Provisions relating to contracts with public bodies.

(c) Subject to the process set forth in this section:

(1) An employer found to be in violation of this chapter more than twice in a 2-year period may be subject to ~~debarment.~~ debarment under § 3505(h)(1) of this title.

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(2) The Department shall file with the Office of Management and Budget, the Division of Revenue, the Division of Unemployment Insurance, the Department of Insurance, the Office of Workers' Compensation, and the Office of the Attorney General, a list of employers who are subject to debarment.

(3) A debarment under this section ~~shall be in effect against~~ applies to any successor corporation or business entity ~~that:~~ to which all of the following apply:

a. Has 1 or more of the same principals or officers as the employer against whom the debarment was ~~imposed; and~~ imposed.

b. Is engaged in the same or equivalent trade or activity.

Section 4. Amend § 3607, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3607. Denial, suspension, or revocation of certificate of registration.

(a) The Department may deny, suspend, or revoke a certificate of registration if the contractor or an officer, partner, director, stockholder, or agent of the contractor does any of the following under this chapter:

(5) Contracts with or uses a subcontractor who is not registered under this chapter in the completion of a ~~public works~~ contract.

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