

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 204

FINAL READING

Introduced by Synowiecki, 7; Lathrop, 12; Nantkes, 46.

Read first time January 9, 2007

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend sections 48-2102, 48-2103,
2 48-2104, 48-2107, 48-2114, and 48-2115, Reissue Revised
3 Statutes of Nebraska; to change provisions relating
4 to the Contractor Registration Act; and to repeal the
5 original sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2102, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-2102 It is the intent of the Legislature that all
4 contractors doing business in ~~counties with a population of over~~
5 ~~one hundred thousand inhabitants~~ Nebraska be registered with the
6 department. It is not the intent of the Legislature to endorse
7 the quality or performance of services provided by any individual
8 contractor.

9 Sec. 2. Section 48-2103, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 48-2103 For purposes of the Contractor Registration Act:

12 (1) Commissioner ~~shall mean~~ means the Commissioner of
13 Labor;

14 (2) Construction ~~shall mean~~ means work on real property
15 and annexations, including new work, additions, alterations,
16 reconstruction, installations, and repairs performed at one or more
17 different sites which may be dispersed geographically, but does not
18 include the construction of water wells or installation of septic
19 systems;

20 (3) Contractor ~~shall mean~~ means a person who engages
21 in the business of construction and ~~shall include~~ includes a
22 subcontractor, a general contractor, and any other person arranging
23 for the performance of construction. A person who earns less than
24 ~~one~~ five thousand dollars annually or who performs work or has work
25 performed on ~~the person's~~ his or her own property is not ~~shall not~~

1 be a contractor; ~~for purposes of the act;~~

2 (4) Department ~~shall mean~~ means the Department of Labor;

3 and

4 (5) Working days ~~shall mean~~ means Mondays through Fridays
5 but ~~shall~~ does not include Saturdays, Sundays, or federal or state
6 holidays. In computing fifteen working days, the day of receipt of
7 any notice ~~shall not be~~ is not included and the last day of the
8 fifteen working days ~~shall be~~ is included.

9 Sec. 3. Section 48-2104, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 48-2104 Before performing any construction work in ~~any~~
12 ~~county with a population of over one hundred thousand inhabitants,~~
13 Nebraska, a contractor shall be registered with the department. If
14 a contractor does business under more than one name, the contractor
15 shall obtain a registration number for each name under which the
16 contractor is doing business.

17 Sec. 4. Section 48-2107, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 48-2107 (1) Each application or renewal under section
20 48-2105 shall be accompanied by a fee of ~~twenty-five~~ forty dollars.
21 The fee shall not be required when an amendment to an application
22 is submitted.

23 (2) A contractor shall not be required to pay the fee if
24 the application contains an affidavit which shows the contractor is
25 self-employed and does not pay more than ~~one~~ three thousand dollars

1 annually to employ other persons in the business. The affidavit
2 shall contain (a) a statement that the contractor is self-employed,
3 and (b) a list of all employees employed on the date of the
4 application and in the past twelve-month period prior to such date
5 and the dates of employment for each employee. the amount paid to
6 each employee, and (c) a list of all current employees. At any time
7 that a contractor no longer qualifies for exemption from the fee,
8 the fee shall be paid to the department.

9 Sec. 5. Section 48-2114, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 48-2114 (1) The commissioner shall issue a citation to a
12 contractor when an investigation reveals that the contractor has
13 violated:

14 (a) The requirement that the contractor be registered; or

15 (b) The requirement that the contractor's registration
16 information be substantially complete and accurate.

17 (2) ~~If~~ When a citation is issued, the commissioner shall
18 notify the contractor of the proposed administrative penalty,
19 if any, by certified mail or any other manner of delivery by
20 which the United States Postal Service can verify delivery. The
21 administrative penalty shall be not more than five hundred dollars
22 in the case of a first violation and not more than five thousand
23 dollars in the case of a second or subsequent violation.

24 (3) The contractor shall have fifteen working days from
25 the date of the citation or penalty to contest such citation or

1 penalty. Notice of contest shall be sent to the commissioner who
2 shall provide a hearing pursuant to the Administrative Procedure
3 Act.

4 (4) If the contractor has never been registered under
5 the Contractor Registration Act, the contractor shall have
6 sixty working days from the date of the citation to register.
7 No administrative penalty shall be assessed if the contractor
8 registers within such sixty-day period. This subsection shall
9 remain in effect until March 1, 2009.

10 (5) In any civil action to enforce the Contractor
11 Registration Act, the commissioner and the state may be represented
12 by any qualified attorney who is employed by the commissioner
13 and is designated by him or her for this purpose or at the
14 commissioner's request by the Attorney General.

15 Sec. 6. Section 48-2115, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 48-2115 There is hereby created the Contractor
18 Registration Cash Fund to be administered by the department and
19 used to enforce the Contractor Registration Act. The fund shall
20 consist of such sums as are appropriated to it by the Legislature
21 and any fees collected in the administration of the ~~Contractor~~
22 ~~Registration Act.~~ act. All funds collected shall be remitted to
23 the State Treasurer for credit to the fund. Any money in the fund
24 available for investment shall be invested by the state investment
25 officer pursuant to the Nebraska Capital Expansion Act and the

1 Nebraska State Funds Investment Act.

2 Sec. 7. Original sections 48-2102, 48-2103, 48-2104,
3 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes of
4 Nebraska, are repealed.