

PREVAILING WAGES ON STATE PROJECTS (EXCERPT)
Act 10 of 2023

***** 408.1122.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

408.1122.amended Maintenance of records; transmission of payroll records; payroll database.

Sec. 22. (1) A contracting agent, contractor, or subcontractor shall maintain certified payroll records and other records required under this act for a minimum of 3 years. Subject to subsection (6), not later than 10 days after the end of a pay period, a contractor or subcontractor shall transmit the certified payroll records for the pay period to the following:

(a) Before the date that is 1 year after the effective date of the amendatory act that added section 2a, the applicable contracting agent.

(b) On or after the date that is 1 year after the effective date of the amendatory act that added section 2a, the database described in subsection (2).

(2) By not later than the date that is 1 year after the effective date of the amendatory act that added section 2a, the commissioner shall create and maintain an internal certified payroll database that meets all of the following conditions:

(a) Allows a contractor, subcontractor, or contracting agent to submit certified payroll records to the database via the internet.

(b) Includes all of the following information for each construction mechanic:

(i) Classification.

(ii) Whether the construction mechanic is an apprentice, journeyman, or other skill level.

(iii) Gross wages paid in the pay period.

(iv) Number of hours worked each day.

(v) Starting and ending times of each day.

(vi) Hourly wage rate.

(vii) Hourly overtime wage rate.

(viii) Hourly fringe benefit rate.

(c) Does not display or otherwise include a construction mechanic's home address, telephone number, or Social Security number.

(d) Requires a contractor or subcontractor to attest at the time the contractor or subcontractor submits the certified payroll record, via electronic signature, that all of the following are true:

(i) The certified payroll record is complete and accurate.

(ii) The wage and fringe benefit rates paid to the construction mechanic are not less than the rates required under this act.

(iii) The person submitting the certified payroll record has reviewed the certified payroll record.

(iv) The person submitting the certified payroll record understands that a violation of this section may result in either of the following:

(A) The revocation or suspension of a state project registration.

(B) The denial of an application for a state project registration.

(3) A contracting agent that receives a certified payroll record under subsection (1)(a) shall, not later than 10 days after receiving the certified payroll record, transmit the certified payroll record to the commissioner on a form and in a manner as prescribed by the commissioner.

(4) By not later than the sixteenth day of each month, the commissioner shall update the database with the certified payroll records from the immediately preceding month.

(5) A contractor or subcontractor shall not submit a certified payroll record as required under this section if the contractor or subcontractor knows that the certified payroll record contains a false statement.

(6) A contractor or subcontractor is not required to transmit certified payroll records under subsection (1) if either of the following conditions applies:

(a) The contractor or subcontractor performs work on a state project and is otherwise required by law to transmit certified payroll records to the state transportation department.

(b) The contractor or subcontractor performs work on an energy facility project that is solely routine maintenance or repair.

History: 2023, Act 10, Eff. Feb. 13, 2024;—Am. 2024, Act 110, Eff. (sine die).