

1 ENGROSSED SENATE AMENDMENTS
TO
2 ENGROSSED HOUSE
BILL NO. 2258

By: Sherrer and Hoskin of the
House

and

Burrage of the Senate

8 An Act relating to state government; requiring
9 specified agencies to share information and
10 coordinate investigative and enforcement efforts for
11 certain purpose; authorization for creation of secure
12 database and promulgation of rules; providing for
13 codification; and providing an effective date.

13 AUTHORS: Add the following Senate Coauthors: Coates, McAffrey,
14 Newberry and Ivester

15 AMENDMENT NO. 1. Page 1, line 14, after the word "as" and before
16 the comma delete all language and insert the
language "Section 1709 of Title 68"

17 AMENDMENT NO. 2. Page 1, line 13, insert a new Section 1 to read

18 "SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1708 of Title 68, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Every contractor submitting a written bid on a public
22 construction project offered for bid in this state shall be required
23 to include with such bid written proof of their employer
24 identification numbers issued by the Oklahoma Tax Commission, the

1 Oklahoma Employment Security Commission, the Internal Revenue
2 Service, and the Social Security Administration which are required
3 to be in their possession pursuant to Section 1701.1 of Title 68 of
4 the Oklahoma Statutes.

5 B. Any contractor failing to have their employer
6 identification numbers as required by law prior to entering the bid
7 process on a public construction project in this state, or any
8 contractor that fails to include proof of their employer
9 identification numbers on a written bid as required in subsection A
10 of this section, or any contractor that performs work in this state
11 as a resident or nonresident contractor without registration as
12 required by Section 1701.1 of Title 68 of the Oklahoma Statutes,
13 shall be fined by the Oklahoma Tax Commission an amount not to
14 exceed ten percent (10%) of the total bid or project cost, whichever
15 is higher, which shall be in addition to any other penalties allowed
16 by law.

17 C. Any contractor that intentionally misclassifies individuals
18 as independent contractors rather than employees for the purpose of
19 affecting procedures and payments relating to withholding and social
20 security, unemployment tax or worker's compensation premiums shall
21 be fined by the Oklahoma Tax Commission an amount not be exceed ten
22 percent (10%) of the total bid or project cost, whichever is higher,
23 which shall be in addition to any other penalties allowed by law."

24 and renumber subsequent sections

- 1 AMENDMENT NO. 3. Page 1, line 17, after the word "Court" and before
the word "and" delete all language
- 2
- 3 AMENDMENT NO. 4. Page 1, line 19, delete the word "employers" and
insert the word "contractors"
- 4 AMENDMENT NO. 5. Page 1, line 24, through page 2, line 1, after the
word "efforts" on page 1, line 24, and before the
5 word "create" on Page 2, line 1, delete all
language and insert the word "may"
- 6
- 7 AMENDMENT NO. 6. Page 2, lines 2 and 3, after the word
"enforcement" on line 2 and before the word
"enter" on line 3, delete all language and insert
8 a comma
- 9 AMENDMENT NO. 7. Page 1, line 7, by amending the title to conform
as follows: After the word "to" and before the
10 semicolon delete all language and insert the
language "contractors; requiring employer
11 identification number on certain bids; setting
penalty for certain violations; setting penalty
12 for certain misclassifications"
- 13

14 Passed the Senate the 18th day of April, 2012.

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16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2012.

20 _____
21 Presiding Officer of the House
22 of Representatives

23

24

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7 An Act relating to state government; requiring
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12 codification; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 8152 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 The Oklahoma Tax Commission, Oklahoma Workers' Compensation
18 Court, Department of Labor and Oklahoma Employment Security
19 Commission shall share information and coordinate investigative and
20 enforcement efforts for the purpose of detecting those employers who
21 intentionally misclassify individuals as independent contractors
22 rather than employees for the purpose of affecting procedures and
23 payments relating to withholding and social security, unemployment
24 tax or workers' compensation premiums. The agencies required by
this section to share information and coordinate efforts shall be

1 authorized to create a secure database of information accessible by
2 agency representatives responsible for enforcement and shall be
3 further authorized to enter into contracts and interagency
4 agreements and promulgate such rules as may be necessary to
5 implement this section.

6 SECTION 2. This act shall become effective November 1, 2012.
7 Passed the House of Representatives the 13th day of March, 2012.

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9
10 Presiding Officer of the House of
11 Representatives

12 Passed the Senate the ____ day of _____, 2012.

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14
15 Presiding Officer of the Senate