

**UPDATED INFORMATIVE DIGEST**  
**for**  
**PROPOSED PUBLIC WORKS CONTRACTOR REGISTRATION REGULATIONS**  
**(Title 8, California Code of Regulations, Sections 16410 through 16418)**

**Statutory Changes:**

Three bills were enacted during the most recent legislative session that may have an impact on persons required to comply with these proposals.

AB 5 (Gonzalez) and AB 170 (Gonzalez) added Section 2750.3 to the Labor Code to revise the standards governing whether “a person providing labor or services for remuneration” is considered an employee of the hiring entity or an independent contractor. This statute does not alter the public works contractor registration requirements set forth in these proposals, but it may affect the determination of whether a person hired to perform all or part of a public works contract is considered an independent contractor and therefore subject to the registration requirement or an employee of the hiring entity and therefore entitled to employee rights and protections, including workers’ compensation coverage provided by the employer.

AB 1768 (Carillo) amended section 1720 of the Labor Code to revise, refine, and expand definitions of what work and projects constitute public work under the Labor Code. These amendments did not alter the public works contractor registration requirements set forth in these proposals. However, because registration is required for any contractor who bids on or performs public work, as defined in the Labor Code, they revise who is subject to registration by virtue of the type of work they bid on or perform.

**Regulatory Changes:**

The following substantive and clarifying changes have been made to the initial proposals.

Authority and Reference Notes were added to each proposed new section.

Section 16410: Subsections (c) and (d) were reorganized and redrafted to clarify the scope of the statutory obligation to register as a public works contractor. Language was added to the first sentence of subsection (c) to tie the obligation to register to bidding on or performing public work that requires the payment of prevailing wages, as described in Labor Code Sections 1771, 1772, and 1774, and a second sentence was added as an introductory statement for the four paragraphs that follow. The balance of subsection (c) regarding entities licensed by the Contractors State License Board was redesignated as paragraph (1), with minor typographical modifications. What originally was proposed as subsection (d) was redesignated as paragraph (2) of subsection (c), also with typographical modifications, including changing “any person” to “Any entity or

individual” and “employed” to “engaged.” A new paragraph (3) was added to clarify the applicability of the registration requirement to joint employers of workers employed on public works, even though the joint employer itself may not have entered into the contract to perform public work. A new paragraph (4) was added to clarify the responsibility of sole proprietors, including owner-owner operators, to register when subject to prevailing wage requirements. Because the language previously proposed as subsection (d) was incorporated into paragraph (2) of subsection (c), subsections (e) and (f) were redesignated as (d) and (e) respectively.

Section 16411: The application requirements in subsection (a) were revised by changing “legal address” to “mailing address”, and by adding “business email address” to conform with information already required in the current registration process. The words “if any” were added to the last line of the second sentence of subsection (b) to clarify that the requirement to supply a professional license, permit, or authorization from the state only applies if the applicant for registration has such a license, permit, or authorization.

Section 16412: In paragraph (6) of subsection (a), the unnecessary effective date language was deleted, and the cross-reference at the end of this paragraph was corrected to refer to the preceding paragraphs (4) and (5). Subsection (b) was deleted, and the succeeding subsections were redesignated as (c), (d), and (e) respectively.

Section 16413: The headings “Incomplete Registration” and “Denial on Merits” were added to subsections (a) and (b) respectively to indicate and clarify that they address two different scenarios under which registration is denied or unsuccessful rather than potentially overlapping versions of the same scenario. Subsection (a) was further revised for clarity purposes by changing the word “pay” to “submit” and by adding the phrase “completing the application” following the phrase “without prejudice to”. The fee payment language at the end of subsection (b) was deleted and replaced by the more specific phrase “upon the subsequent cancelation or dishonor of any fee payment submitted with the application.” The appeal deadline in subsection (c) was revised from “thirty (30) days following receipt of any notice of denial” to “sixty (60) days following the issuance of any notice of denial.” At the end of subsection (f), the unnecessary reference to Labor Code Section 1725.5 was deleted.

Section 16414: In subsection (a)(3), the word “subcontracted” was changed to “entered into a subcontract” to clarify that it refers to the discrete act of entering into a contract as distinguished from having an ongoing contractor-subcontractor relationship. A new subsection (b) was added to spell out the requirements for a notice of revocation issued by the Labor Commissioner, including requirements to specify the length of disqualification (from one to 24 months) and use the statutory standards in Labor Code Section 1775(a)(2)(A) when determining the length of disqualification or whether to waive disqualification for a first time violator under specified circumstances. The succeeding subsections (b) through (e) were redesignated as (c) through (f) respectively, and the 30 day appeal deadline in redesignated subsection (e) was changed to 60 days following the date of issuance to correspond with the revision made in section 16413. The sentence at the end of subsection (d) [originally (c)] regarding non-extension of time

for Saturdays, Sundays, and holidays was deleted as inconsistent with controlling law in the Government Code.

Section 16416: Only nonsubstantive changes were made to this section to correct typographical errors.