

176.085 Compliance with workers' compensation insurance and unemployment insurance laws required -- Foreign entity to obtain certificate of authority -- Penalty.

- (1) (a) No contract for building, construction, reconstruction, renovation, demolition, or other type work on any state road, waterway, or aviation-related work, shall be awarded by any agency, department, or office of the Commonwealth of Kentucky or any political subdivision of the Commonwealth of Kentucky to any person until that person shall assure, by affidavit, that all contractors and subcontractors employed, or that will be employed, under the provisions of the contract shall be in compliance with Kentucky requirements for workers' compensation insurance according to KRS Chapter 342 and unemployment insurance according to KRS Chapter 341.
- (b) An agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a contract to a person that is a foreign entity required by KRS 14A.9-010 to obtain a certificate of authority from the Secretary of State under KRS 14A.9-030 unless the person produces the required certificate of authority within fourteen (14) days of the bid or proposal opening.
- (2) Any person who fails to comply with the assurances or to produce the certificate of authority from the Secretary of State required under subsection (1) of this section, upon such finding by a court of competent jurisdiction, shall be fined an amount not to exceed four thousand dollars (\$4,000), or an amount equal to the sum of uninsured and unsatisfied claims brought under the provisions of KRS Chapter 342 and unemployment insurance claims for which no wages were reported as required by KRS Chapter 341, whichever is greater.
- (3) The penalty imposed in subsection (2) of this section shall be enforced by the county attorney for the county in which the violation occurred.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 80, sec. 3, effective June 8, 2011. -- Created 1990 Ky. Acts ch. 174, sec. 3, effective July 13, 1990.