

**181.721 CONSTRUCTION BID EQUITY.****Subdivision 1. Workers' compensation and unemployment contribution costs.**

A successful bidder on a project must provide coverage for workers' compensation and unemployment benefits for its employees required under chapters 176 and 268, respectively, and other state and federal laws.

Subd. 2. **Employee status.** Employee status shall be determined using the same tests and in the same manner as employee status is determined under the applicable workers' compensation and unemployment insurance program laws and rules.

Subd. 3. **Scope.** This section applies to any nonresidential project for the construction, repair, remodeling, alteration, conversion, modernization, improvement, rehabilitation, replacement, or renovation of a building or structure.

Subd. 4. **Civil remedy.** A person injured by a violation of subdivision 1 may bring an action for damages against the violator. There is a rebuttable presumption that a losing bidder on a project on which a violation of subdivision 1 has occurred has suffered damages in an amount equal to the profit it projected to make on its bid. The court may award attorney fees, costs, and disbursements to a party recovering under this subdivision.

Subd. 5. **Penalty.** In addition to any other penalties provided by law for the failure to obtain required workers' compensation coverage or the failure to make unemployment benefits contributions, a person violating subdivision 1 is guilty of a misdemeanor.

**History:** 1991 c 260 s 1; 1994 c 488 s 8; 1997 c 66 s 80; 1999 c 107 s 66; 2000 c 343 s 4