

HB4893



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4893

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Defines the term "subcontractor" to include trucking firms, independent truck owner-operators, and trucking brokers. Effective immediately.

LRB100 20436 JLS 35777 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Section 2 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,
8 mechanics and other workers employed in any public works, as
9 hereinafter defined, by any public body and to anyone under
10 contracts for public works. This includes any maintenance,
11 repair, assembly, or disassembly work performed on equipment
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates
14 otherwise:

15 "Public works" means all fixed works constructed or
16 demolished by any public body, or paid for wholly or in part
17 out of public funds. "Public works" as defined herein includes
18 all projects financed in whole or in part with bonds, grants,
19 loans, or other funds made available by or through the State or
20 any of its political subdivisions, including but not limited
21 to: bonds issued under the Industrial Project Revenue Bond Act
22 (Article 11, Division 74 of the Illinois Municipal Code), the
23 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act, or
2 the Build Illinois Bond Act; loans or other funds made
3 available pursuant to the Build Illinois Act; loans or other
4 funds made available pursuant to the Riverfront Development
5 Fund under Section 10-15 of the River Edge Redevelopment Zone
6 Act; or funds from the Fund for Illinois' Future under Section
7 6z-47 of the State Finance Act, funds for school construction
8 under Section 5 of the General Obligation Bond Act, funds
9 authorized under Section 3 of the School Construction Bond Act,
10 funds for school infrastructure under Section 6z-45 of the
11 State Finance Act, and funds for transportation purposes under
12 Section 4 of the General Obligation Bond Act. "Public works"
13 also includes (i) all projects financed in whole or in part
14 with funds from the Department of Commerce and Economic
15 Opportunity under the Illinois Renewable Fuels Development
16 Program Act for which there is no project labor agreement; (ii)
17 all work performed pursuant to a public private agreement under
18 the Public Private Agreements for the Illiana Expressway Act or
19 the Public-Private Agreements for the South Suburban Airport
20 Act; and (iii) all projects undertaken under a public-private
21 agreement under the Public-Private Partnerships for
22 Transportation Act. "Public works" also includes all projects
23 at leased facility property used for airport purposes under
24 Section 35 of the Local Government Facility Lease Act. "Public
25 works" also includes the construction of a new wind power
26 facility by a business designated as a High Impact Business

1 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.
2 "Public works" does not include work done directly by any
3 public utility company, whether or not done under public
4 supervision or direction, or paid for wholly or in part out of
5 public funds. "Public works" also includes any corrective
6 action performed pursuant to Title XVI of the Environmental
7 Protection Act for which payment from the Underground Storage
8 Tank Fund is requested. "Public works" does not include
9 projects undertaken by the owner at an owner-occupied
10 single-family residence or at an owner-occupied unit of a
11 multi-family residence. "Public works" does not include work
12 performed for soil and water conservation purposes on
13 agricultural lands, whether or not done under public
14 supervision or paid for wholly or in part out of public funds,
15 done directly by an owner or person who has legal control of
16 those lands.

17 "Construction" means all work on public works involving
18 laborers, workers or mechanics. This includes any maintenance,
19 repair, assembly, or disassembly work performed on equipment
20 whether owned, leased, or rented.

21 "Locality" means the county where the physical work upon
22 public works is performed, except (1) that if there is not
23 available in the county a sufficient number of competent
24 skilled laborers, workers and mechanics to construct the public
25 works efficiently and properly, "locality" includes any other
26 county nearest the one in which the work or construction is to

1 be performed and from which such persons may be obtained in
2 sufficient numbers to perform the work and (2) that, with
3 respect to contracts for highway work with the Department of
4 Transportation of this State, "locality" may at the discretion
5 of the Secretary of the Department of Transportation be
6 construed to include two or more adjacent counties from which
7 workers may be accessible for work on such construction.

8 "Public body" means the State or any officer, board or
9 commission of the State or any political subdivision or
10 department thereof, or any institution supported in whole or in
11 part by public funds, and includes every county, city, town,
12 village, township, school district, irrigation, utility,
13 reclamation improvement or other district and every other
14 political subdivision, district or municipality of the state
15 whether such political subdivision, municipality or district
16 operates under a special charter or not.

17 The terms "general prevailing rate of hourly wages",
18 "general prevailing rate of wages" or "prevailing rate of
19 wages" when used in this Act mean the hourly cash wages plus
20 annualized fringe benefits for training and apprenticeship
21 programs approved by the U.S. Department of Labor, Bureau of
22 Apprenticeship and Training, health and welfare, insurance,
23 vacations and pensions paid generally, in the locality in which
24 the work is being performed, to employees engaged in work of a
25 similar character on public works.

26 "Subcontractor" includes, but is not limited to, a trucking

1 firm, a independent truck owner-operator, and a trucking
2 broker.

3 "Trucking firm" means any legal business entity that owns
4 more than one vehicle and hires the vehicles out to perform
5 services on behalf of brokers or contractors.

6 "Independent truck owner-operator" means an individual,
7 partnership, or principal stockholder of a corporation who owns
8 or holds a vehicle under lease and who contracts that vehicle
9 and the owner's services to an entity which provides
10 construction hauling services.

11 "Trucking broker" means an individual or business entity,
12 whose activities include, but are not limited to:

13 (1) contracting to provide trucking services in the
14 construction industry to users of such services;

15 (2) contracting to obtain such services from providers
16 of trucking services;

17 (3) dispatching the providers of the services to do
18 work as required by the users of the services;

19 (4) receiving payment from the users in consideration
20 of the trucking services provided; and

21 (5) making payment to the providers for the services.

22 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;
23 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.
24 7-16-14.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.