



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3158

Introduced 2/19/2021, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

820 ILCS 130/3

from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that only such laborers, workers, and mechanics as are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job, laborers, workers, and mechanics engaged in the transportation of materials and equipment to or from the site, or laborers, workers, and mechanics engaged in the production, processing, reclamation, recycling, or manufacturing of materials, regardless of location, where those materials will be incorporated into a public works project and when the value of said material used in the public works project is greater than \$250,000, but not including the transportation by the sellers and suppliers or the manufacture or processing of materials or equipment, in the execution of any contract or contracts for public works with any public body shall be deemed to be employed upon public works. Provides other exclusions.

LRB102 13549 JLS 18896 b

FISCAL NOTE ACT
MAY APPLY

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 3 as follows:

6 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

7 Sec. 3. Prevailing wage paid on public works; exceptions.

8 (a) Not less than the general prevailing rate of hourly
9 wages for work of a similar character on public works in the
10 locality in which the work is performed, and not less than the
11 general prevailing rate of hourly wages for legal holiday and
12 overtime work, shall be paid to all laborers, workers and
13 mechanics employed by or on behalf of any public body engaged
14 in the construction or demolition of public works. This
15 includes any maintenance, repair, assembly, or disassembly
16 work performed on equipment whether owned, leased, or rented.

17 (b) Only (1) such laborers, workers and mechanics as are
18 directly employed by contractors or subcontractors in actual
19 construction work on the site of the building or construction
20 job, (2) ~~and~~ laborers, workers and mechanics engaged in the
21 transportation of materials and equipment to or from the site,
22 or (3) laborers, workers, and mechanics engaged in the
23 production, processing, reclamation, recycling, or

1 manufacturing of materials, regardless of location, where
2 those materials will be incorporated into a public works
3 project and when the value of said material used in the public
4 works project is greater than \$250,000, but not including the
5 transportation by the sellers and suppliers or the manufacture
6 or processing of materials or equipment, in the execution of
7 any contract or contracts for public works with any public
8 body shall be deemed to be employed upon public works.
9 Production, processing, reclamation, recycling, or
10 manufacturing of materials, including, but not limited to,
11 rock, gravel, sand, pebbles, dirt, soil, clay, cement,
12 concrete, asphalt, and like material shall include altering
13 the shape, size, composition, or chemical structure of the
14 material into a product that can be introduced into the public
15 works project either directly or through some aggregate
16 mixture.

17 (c) Workers involved in the pre-production and
18 pre-manufacturing processes of those materials, including, but
19 not limited to, collecting, cleaning, and sorting the
20 materials shall not be deemed to be employed upon public
21 works.

22 (d) Laborers, workers, and mechanics engaged in the
23 transportation by the sellers and suppliers of materials or
24 equipment shall not be deemed to be employed upon public
25 works.

26 (e) The wage for a tradesman performing maintenance is

1 equivalent to that of a tradesman engaged in construction or
2 demolition.

3 (Source: P.A. 95-341, eff. 8-21-07; 96-186, eff. 1-1-10.)