



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5550

Introduced 1/31/2022, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2
820 ILCS 130/3

from Ch. 48, par. 39s-2
from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that the transportation of ready-mixed concrete and the transportation of aggregate or excavated materials shall be deemed to be employment upon public works. Provides that all laborers, workers, and mechanics performing transportation of ready-mixed concrete and transportation of aggregate or excavated materials shall be deemed to be employed in actual construction work upon public works. Defines terms.

LRB102 26074 SPS 35539 b

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 Sections 2 and 3 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,
2 or 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
10 Act, funds for school infrastructure under Section 6z-45 of
11 the State Finance Act, and funds for transportation purposes
12 under Section 4 of the General Obligation Bond Act. "Public
13 works" also includes (i) all projects financed in whole or in
14 part with funds from the Environmental Protection Agency under
15 the Illinois Renewable Fuels Development Program Act for which
16 there is no project labor agreement; (ii) all work performed
17 pursuant to a public private agreement under the Public
18 Private Agreements for the Illiana Expressway Act or the
19 Public-Private Agreements for the South Suburban Airport Act;
20 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) and the construction of a new
2 utility-scale solar power facility by a business designated as
3 a High Impact Business under Section 5.5(a)(3)(E-5) of the
4 Illinois Enterprise Zone Act. "Public works" also includes
5 electric vehicle charging station projects financed pursuant
6 to the Electric Vehicle Act and renewable energy projects
7 required to pay the prevailing wage pursuant to the Illinois
8 Power Agency Act. "Public works" does not include work done
9 directly by any public utility company, whether or not done
10 under public supervision or direction, or paid for wholly or
11 in part out of public funds. "Public works" also includes
12 construction projects performed by a third party contracted by
13 any public utility, as described in subsection (a) of Section
14 2.1, in public rights-of-way, as defined in Section 21-201 of
15 the Public Utilities Act, whether or not done under public
16 supervision or direction, or paid for wholly or in part out of
17 public funds. "Public works" also includes construction
18 projects that exceed 15 aggregate miles of new fiber optic
19 cable, performed by a third party contracted by any public
20 utility, as described in subsection (b) of Section 2.1, in
21 public rights-of-way, as defined in Section 21-201 of the
22 Public Utilities Act, whether or not done under public
23 supervision or direction, or paid for wholly or in part out of
24 public funds. "Public works" also includes any corrective
25 action performed pursuant to Title XVI of the Environmental
26 Protection Act for which payment from the Underground Storage

1 Tank Fund is requested. "Public works" does not include
2 projects undertaken by the owner at an owner-occupied
3 single-family residence or at an owner-occupied unit of a
4 multi-family residence. "Public works" does not include work
5 performed for soil and water conservation purposes on
6 agricultural lands, whether or not done under public
7 supervision or paid for wholly or in part out of public funds,
8 done directly by an owner or person who has legal control of
9 those lands.

10 "Construction" means all work on public works involving
11 laborers, workers or mechanics. This includes any maintenance,
12 repair, assembly, or disassembly work performed on equipment
13 whether owned, leased, or rented.

14 "Aggregate" or "excavated materials" includes, rock,
15 gravel, sand, pebbles, dirt, soil, clay, bitumen, cultured and
16 polymer materials, cement, concrete, asphalt, slag, grindings,
17 and any material used as a substitute for these materials.

18 "Independent truck owner-operator" means an individual,
19 partnership, or principal stockholder of a corporation, that
20 owns or holds a vehicle under lease and that contracts that
21 vehicle and the owner's services to an entity that provides
22 construction services to a public works project.

23 "Ready-mixed concrete" means concrete that is manufactured
24 according to a set recipe.

25 "Stockpile" means aggregate or excavated materials that
26 are placed in a location for temporary storage when all or

1 substantially all of the aggregate or excavated material is
2 relocated by loading and hauling it to another location for
3 final placement.

4 "Transportation of aggregate or excavated materials"
5 includes any required hauling activities, empty or loaded, on
6 the site of or to or from a public works project or a stockpile
7 for a public works project regardless of whether the activity
8 is performed by the prime contractor, subcontractor, trucking
9 broker, trucking firm, independent truck owner-operator,
10 supplier, or employee or agent of any of these entities, and
11 regardless of which entity or person hires or contracts with
12 another.

13 "Transportation of ready-mixed concrete" means receiving
14 the concrete at the factory or batching plant, hauling and
15 delivery to a public works project, and the return trip to the
16 factory or batching plant, whether or not the factory or
17 batching plant is mobile or in a fixed location, regardless of
18 whether the activity is performed by the prime contractor,
19 subcontractor, trucking broker, trucking firm, independent
20 truck owner-operator, supplier, or employee or agent of any of
21 these entities, and regardless of which entity or person hires
22 or contracts with another.

23 "Locality" means the county where the physical work upon
24 public works is performed, except (1) that if there is not
25 available in the county a sufficient number of competent
26 skilled laborers, workers and mechanics to construct the

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

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

19 "Labor organization" means an organization that is the
20 exclusive representative of an employer's employees recognized
21 or certified pursuant to the National Labor Relations Act.

22 The terms "general prevailing rate of hourly wages",
23 "general prevailing rate of wages" or "prevailing rate of
24 wages" when used in this Act mean:

- 25 (1) the hourly cash wages plus annualized fringe
26 benefits for training and apprenticeship programs approved

1 by the U.S. Department of Labor, Bureau of Apprenticeship
2 and Training, health and welfare, insurance, vacations and
3 pensions paid generally, in the locality in which the work
4 is being performed, to employees engaged in work of a
5 similar character on public works; and

6 (2) for those, such as an independent truck
7 owner-operator, who own and operate a truck and are
8 engaged in the transportation of ready-mixed concrete or
9 transportation of aggregate or excavated materials, the
10 general prevailing rate of wages shall, in addition,
11 include the equipment rate established by the Department
12 of Transportation associated with the nature of the
13 equipment operated and the rental rate paid for truck hire
14 by those who own or operate a truck, whichever is
15 applicable.

16 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
17 102-673, eff. 11-30-21; revised 12-9-21.)

18 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

19 Sec. 3. Not less than the general prevailing rate of
20 hourly wages for work of a similar character on public works in
21 the locality in which the work is performed, and not less than
22 the general prevailing rate of hourly wages for legal holiday
23 and overtime work, shall be paid to all laborers, workers and
24 mechanics employed by or on behalf of any public body engaged
25 in the construction or demolition of public works. This

1 includes any maintenance, repair, assembly, or disassembly
2 work performed on equipment whether owned, leased, or rented.
3 ~~All~~ ~~Only such~~ laborers, workers, and mechanics ~~as are~~ directly
4 employed by contractors or subcontractors in actual
5 construction work on the site of the building or construction
6 job shall be deemed to be employed upon public works. All
7 laborers, workers, and mechanics performing transportation of
8 ready-mixed concrete and transportation of aggregate or
9 excavated materials shall be deemed to be employed in actual
10 construction work upon public works. Laborers, ~~and laborers,~~
11 workers, and mechanics otherwise engaged in the transportation
12 of materials and equipment to or from the site, ~~but not~~
13 ~~including the transportation~~ by the sellers and suppliers or
14 the manufacture or processing of materials or equipment, ~~in~~
15 ~~the execution of any contract or contracts for public works~~
16 ~~with any public body~~ shall not be deemed to be employed upon
17 public works. The wage for a tradesman performing maintenance
18 is equivalent to that of a tradesman engaged in construction
19 or demolition.

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