



Rep. Jay Hoffman

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10300HB5521ham001

LRB103 39493 SPS 70752 a

1 AMENDMENT TO HOUSE BILL 5521

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5521 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by changing  
5 Section 11 as follows:

6 (820 ILCS 130/11) (from Ch. 48, par. 39s-11)

7 Sec. 11. No public works project shall be instituted  
8 unless the provisions of this Act have been complied with. The  
9 provisions of this Act shall not be applicable to Federal  
10 construction projects that ~~which~~ require a prevailing wage  
11 determination by the United States Secretary of Labor, except  
12 that all laborers, workers, and mechanics on Federal  
13 construction projects that require a prevailing wage  
14 determination by the United States Secretary of Labor shall be  
15 paid the higher of that prevailing wage or the prevailing rate  
16 of wages established under Section 4. The Illinois Department

1 of Labor represented by the Attorney General is empowered to  
2 sue for injunctive relief against the awarding of any contract  
3 or the continuation of work under any contract for public  
4 works at a time when the prevailing wage prerequisites have  
5 not been met. Any contract for public works awarded at a time  
6 when the prevailing wage prerequisites had not been met shall  
7 be void as against public policy and the contractor is  
8 prohibited from recovering any damages for the voiding of the  
9 contract or pursuant to the terms of the contract. The  
10 contractor is limited to a claim for amounts actually paid for  
11 labor and materials supplied to the public body. Where  
12 objections to a determination of the prevailing rate of wages  
13 or a court action relative thereto is pending, the public body  
14 shall not continue work on the project unless sufficient funds  
15 are available to pay increased wages if such are finally  
16 determined or unless the Department of Labor certifies such  
17 determination of the prevailing rate of wages as correct.

18 Any laborer, worker or mechanic employed by the contractor  
19 or by any sub-contractor under him who is paid for his services  
20 in a sum less than the prevailing rates for work done under  
21 such contract, shall have a right of action for whatever  
22 difference there may be between the amount so paid, and the  
23 rates provided by the contract together with costs and such  
24 reasonable attorney's fees as shall be allowed by the court.  
25 Such contractor or subcontractor shall also be liable to the  
26 Department of Labor for 20% of such underpayments and shall be

1 additionally liable to the laborer, worker or mechanic for  
2 punitive damages in the amount of 2% of the amount of any such  
3 penalty to the State for underpayments for each month  
4 following the date of payment during which such underpayments  
5 remain unpaid. Where a second or subsequent action to recover  
6 underpayments is brought against a contractor or subcontractor  
7 and the contractor or subcontractor is found liable for  
8 underpayments to any laborer, worker, or mechanic, the  
9 contractor or subcontractor shall also be liable to the  
10 Department of Labor for 50% of the underpayments payable as a  
11 result of the second or subsequent action, and shall be  
12 additionally liable for 5% of the amount of any such penalty to  
13 the State for underpayments for each month following the date  
14 of payment during which the underpayments remain unpaid. The  
15 Department shall also have a right of action on behalf of any  
16 individual who has a right of action under this Section. An  
17 action brought to recover same shall be deemed to be a suit for  
18 wages, and any and all judgments entered therein shall have  
19 the same force and effect as other judgments for wages. The  
20 action shall be brought within 5 years from the date of the  
21 failure to pay the wages or compensation. At the request of any  
22 laborer, workman or mechanic employed by the contractor or by  
23 any subcontractor under him who is paid less than the  
24 prevailing wage rate required by this Act, the Department of  
25 Labor may take an assignment of such wage claim in trust for  
26 the assigning laborer, workman or mechanic and may bring any

1 legal action necessary to collect such claim, and the  
2 contractor or subcontractor shall be required to pay the costs  
3 incurred in collecting such claim.  
4 (Source: P.A. 103-48, eff. 1-1-24.)"