



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3536

Introduced 2/23/2005, by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

820 ILCS 130/3

from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that workers who are paid a set amount for truck expense and take-home wage and who are deemed to be employed on the public works project are entitled to the proper prevailing wage for the equipment being operated. Provides the method for determining the take-home wage, and provides that a truck driver is entitled to the difference between the determined take-home wage and the proper prevailing wage for the equipment being operated.

LRB094 10730 WGH 41140 b

FISCAL NOTE ACT  
MAY APPLY

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. Not less than the general prevailing rate of hourly  
8 wages for work of a similar character on public works in the  
9 locality in which the work is performed, and not less than the  
10 general prevailing rate of hourly wages for legal holiday and  
11 overtime work, shall be paid to all laborers, workers and  
12 mechanics employed by or on behalf of any public body engaged  
13 in the construction of public works. Only such laborers,  
14 workers and mechanics as are directly employed by contractors  
15 or subcontractors in actual construction work on the site of  
16 the building or construction job, and laborers, workers and  
17 mechanics engaged in the transportation of materials and  
18 equipment to or from the site, but not including the  
19 transportation by the sellers and suppliers or the manufacture  
20 or processing of materials or equipment, in the execution of  
21 any contract or contracts for public works with any public body  
22 shall be deemed to be employed upon public works.

23 Laborers, workers, and mechanics who are paid a set amount  
24 for the truck expense and take-home wage and who are deemed to  
25 be employed on the public works project are entitled to the  
26 proper prevailing wage for the equipment being operated. The  
27 take-home wage shall be determined by deducting the minimum  
28 hourly expense rate for the equipment being operated, as most  
29 recently determined by the Illinois Department of  
30 Transportation in its Schedule of Average Annual Equipment  
31 Ownership Expense, or as determined by the Illinois Department  
32 of Labor, from the total hourly gross amount representing

1 payment for the truck expense and take-home wage. The truck  
2 driver shall be entitled to the difference between the  
3 determined take-home wage and the proper prevailing wage for  
4 the equipment being operated.

5 The wage for a tradesman performing maintenance is  
6 equivalent to that of a tradesman engaged in construction.

7 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)