

1 AMENDMENT TO SENATE BILL 965

2 AMENDMENT NO. _____. Amend Senate Bill 965 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by
5 changing 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.
9 The provisions of this Act shall not be applicable to Federal
10 construction projects which require a prevailing wage
11 determination by the United States Secretary of Labor. The
12 Illinois Department of Labor represented by the Attorney
13 General is empowered to sue for injunctive relief against the
14 awarding of any contract or the continuation of work under
15 any contract for public works at a time when the prevailing
16 wage prerequisites have not been met. Any contract for
17 public works awarded at a time when the prevailing wage
18 prerequisites had not been met shall be void as against
19 public policy and the contractor is prohibited from
20 recovering any damages for the voiding of the contract or
21 pursuant to the terms of the contract. The contractor is
22 limited to a claim for amounts actually paid for labor and

1 materials supplied to the public body. Where objections to a
2 determination of the prevailing rate of wages or a court
3 action relative thereto is pending, the public body shall not
4 continue work on the project unless sufficient funds are
5 available to pay increased wages if such are finally
6 determined or unless the Department of Labor certifies such
7 determination of the prevailing rate of wages as correct.
8 Each subcontractor must provide the general contractor with a
9 surety bond in an amount sufficient to pay the wages and
10 fringe benefits of the laborers, workers, and mechanics
11 employed by the subcontractor.

12 Any laborer, worker or mechanic employed by the
13 contractor or by any sub-contractor under him who is paid for
14 his services in a sum less than the stipulated rates for work
15 done under such contract, shall have a right of action for
16 whatever difference there may be between the amount so paid,
17 and the rates provided by the contract together with costs
18 and such reasonable attorney's fees as shall be allowed by
19 the court. Such contractor or subcontractor shall also be
20 liable to the Department of Labor for 20% of such
21 underpayments and shall be additionally liable to the
22 laborer, worker or mechanic for punitive damages in the
23 amount of 2% of the amount of any such penalty to the State
24 for underpayments for each month following the date of
25 payment during which such underpayments remain unpaid. The
26 Department shall also have a right of action on behalf of any
27 individual who has a right of action under this Section. An
28 action brought to recover same shall be deemed to be a suit
29 for wages, and any and all judgments entered therein shall
30 have the same force and effect as other judgments for wages.
31 At the request of any laborer, workman or mechanic employed
32 by the contractor or by any subcontractor under him who is
33 paid less than the prevailing wage rate required by this Act,
34 the Department of Labor may take an assignment of such wage

1 claim in trust for the assigning laborer, workman or mechanic
2 and may bring any legal action necessary to collect such
3 claim, and the contractor or subcontractor shall be required
4 to pay the costs incurred in collecting such claim.

5 (Source: P.A. 86-799)".