
HOUSE BILL 2408

State of Washington

52nd Legislature

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By Representatives Heavey, Winsley, Franklin, Jacobsen, Jones, Orr, R. King, Prentice, G. Cole, Day and Dellwo

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to contract bid specifications; and amending RCW
2 39.12.030 and 49.48.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.12.030 and 1989 c 12 s 9 are each amended to read
5 as follows:

6 The specifications for every contract for the construction,
7 reconstruction, maintenance or repair of any public work to which the
8 state or any county, municipality, or political subdivision created by
9 its laws is a party, shall contain a provision stating the hourly
10 minimum rate of wage, not less than the prevailing rate of wage,
11 ~~((which may))~~ to be paid to each laborer((s)), worker((s)), or
12 mechanic((s)) in each ((trade or occupation)) laborer, worker, or
13 mechanic's proper work classification required for such public work
14 employed in the performance of the contract either by the contractor,

1 subcontractor, or other person doing or contracting to do the whole or
2 any part of the work contemplated by the contract, and the contract
3 shall contain a stipulation that (~~such~~) the laborers, workers, or
4 mechanics shall be paid not less than such specified hourly minimum
5 rate of wage. The specifications under this section also shall include
6 the appropriate fringe benefits, not less than the prevailing and
7 applicable benefits, to be provided for each worker under the contract.

8 **Sec. 2.** RCW 49.48.040 and 1987 c 172 s 1 are each amended to read
9 as follows:

10 (1) The department of labor and industries may:

11 (a) Upon obtaining information indicating an employer may be
12 committing a violation under chapters 39.12, 49.46, and 49.48 RCW,
13 conduct investigations to ensure compliance with chapters 39.12, 49.46,
14 and 49.48 RCW;

15 (b) Order the payment of all wages and benefits owed the workers
16 and institute actions necessary for the collection of the sums
17 determined owed; and

18 (c) Take assignments of wage and benefit claims and prosecute
19 actions for the collection of wages of persons who are financially
20 unable to employ counsel when in the judgment of the director of the
21 department the claims are valid and enforceable in the courts.

22 (2) The director of the department or any authorized representative
23 may, for the purpose of carrying out RCW 49.48.040 through 49.48.080:

24 (a) Issue subpoenas to compel the attendance of witnesses or parties
25 and the production of books, papers, or records; (b) administer oaths
26 and examine witnesses under oath; (c) take the verification of proof of
27 instruments of writing; and (d) take depositions and affidavits. If
28 assignments for wage or benefit claims are taken, court costs shall not
29 be payable by the department for prosecuting such suits.

1 (3) The director shall have a seal inscribed "Department of Labor
2 and Industries--State of Washington" and all courts shall take judicial
3 notice of such seal. Obedience to subpoenas issued by the director or
4 authorized representative shall be enforced by the courts in any
5 county.

6 (4) The director or authorized representative shall have free
7 access to all places and works of labor. Any employer or any agent or
8 employee of such employer who refuses the director or authorized
9 representative admission therein, or who, when requested by the
10 director or authorized representative, wilfully neglects or refuses to
11 furnish the director or authorized representative any statistics or
12 information pertaining to his or her lawful duties, which statistics or
13 information may be in his or her possession or under the control of the
14 employer or agent, shall be guilty of a misdemeanor.