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SENATE BILL 5744

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State of Washington

57th Legislature

2001 Regular Session

By Senators Haugen, Horn, Oke, Kohl-Welles and McDonald; by request of  
The Blue Ribbon Commission on Transportation

Read first time 02/01/2001. Referred to Committee on Transportation.

1 AN ACT Relating to prevailing wages in public contracts; amending  
2 RCW 39.12.010; and adding a new section to chapter 39.12 RCW.

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

4 **Sec. 1.** RCW 39.12.010 and 1989 c 12 s 6 are each amended to read  
5 as follows:

6 (1) The "prevailing rate of wage", for the intents and purposes of  
7 this chapter, shall be the rate of hourly wage, usual benefits, and  
8 overtime paid in the locality, as hereinafter defined, to the majority  
9 of workers, laborers, or mechanics, in the same trade or occupation.  
10 In the event that there is not a majority in the same trade or  
11 occupation paid at the same rate, then the average rate of hourly wage  
12 and overtime paid to such laborers, workers, or mechanics in the same  
13 trade or occupation shall be the prevailing rate. If the wage paid by  
14 any contractor or subcontractor to laborers, workers, or mechanics on  
15 any public work is based on some period of time other than an hour, the  
16 hourly wage for the purposes of this chapter shall be mathematically  
17 determined by the number of hours worked in such period of time.

1 (2) The "locality" for the purposes of this chapter shall be the  
2 (~~largest city in the~~) county wherein the physical work is being  
3 performed.

4 (3) The "usual benefits" for the purposes of this chapter shall  
5 include the amount of:

6 (a) The rate of contribution irrevocably made by a contractor or  
7 subcontractor to a trustee or to a third person pursuant to a fund,  
8 plan, or program; and

9 (b) The rate of costs to the contractor or subcontractor which may  
10 be reasonably anticipated in providing benefits to workers, laborers,  
11 and mechanics pursuant to an enforceable commitment to carry out a  
12 financially responsible plan or program which was communicated in  
13 writing to the workers, laborers, and mechanics affected, for medical  
14 or hospital care, pensions on retirement or death, compensation for  
15 injuries or illness resulting from occupational activity, or insurance  
16 to provide any of the foregoing, for unemployment benefits, life  
17 insurance, disability and sickness insurance, or accident insurance,  
18 for vacation and holiday pay, for defraying costs of apprenticeship or  
19 other similar programs, or for other bona fide fringe benefits, but  
20 only where the contractor or subcontractor is not required by other  
21 federal, state, or local law to provide any of such benefits.

22 (4) An "interested party" for the purposes of this chapter shall  
23 include a contractor, subcontractor, an employee of a contractor or  
24 subcontractor, an organization whose members' wages, benefits, and  
25 conditions of employment are affected by this chapter, and the director  
26 of labor and industries or the director's designee.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.12 RCW  
28 to read as follows:

29 Public works projects and public building service maintenance  
30 contracts of the state or any county, municipality, or political  
31 subdivision created by its laws, that are under one hundred thousand  
32 dollars in total project costs, are exempt from this chapter.

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