
HOUSE BILL 1386

State of Washington

58th Legislature

2003 Regular Session

By Representatives Mielke, Ericksen, Woods, Schindler, Anderson, Shabro, Ahern, Talcott, Clements, Chandler, Boldt, Benson, Schoesler, Nixon, Pflug, Holmquist and McMahan

Read first time 01/24/2003. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to incentives to increase transportation revenues
2 by reforming prevailing wage laws; and amending RCW 39.12.010,
3 39.12.015, and 39.12.020.

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

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

7 The definitions in this section apply throughout this chapter.

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

1 the purposes of this chapter shall be mathematically determined by the
2 number of hours worked in such period of time.

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

6 (3) The "usual benefits" (~~((for the purposes of this chapter shall))~~)
7 include the amount of:

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

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

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

29 **Sec. 2.** RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended to
30 read as follows:

31 All determinations of the prevailing rate of wage shall be made by
32 the industrial statistician of the department of labor and industries
33 using a stratified random sampling methodology.

34 **Sec. 3.** RCW 39.12.020 and 1989 c 12 s 7 are each amended to read
35 as follows:

36 (1) The hourly wages to be paid to laborers, workers, or

1 mechanics(~~(7)~~) employed by contractors or subcontractors directly upon
2 the project site of work upon all public works estimated to cost more
3 than two hundred fifty thousand dollars and under all public building
4 service maintenance contracts of the state or any county, municipality
5 or political subdivision created by its laws, shall be not less than
6 the prevailing rate of wage for an hour's work in the same trade or
7 occupation in the locality within the state where such labor is
8 performed. (~~(For a contract in excess of ten thousand dollars,)~~) A
9 contractor required to pay the prevailing rate of wage shall post in a
10 location readily visible to workers at the job site: PROVIDED, That on
11 road construction, sewer line, pipeline, transmission line, street, or
12 alley improvement projects for which no field office is needed or
13 established, a contractor may post the prevailing rate of wage
14 statement at the contractor's local office, gravel crushing, concrete,
15 or asphalt batch plant as long as the contractor provides a copy of the
16 wage statement to any employee on request:

17 ~~((1))~~ (a) A copy of a statement of intent to pay prevailing wages
18 approved by the industrial statistician of the department of labor and
19 industries under RCW 39.12.040; and

20 ~~((2))~~ (b) The address and telephone number of the industrial
21 statistician of the department of labor and industries where a
22 complaint or inquiry concerning prevailing wages may be made.

23 (2) This chapter shall not apply to:

24 (a) Workers or other persons regularly employed on monthly or per
25 diem salary by the state, or any county, municipality, or political
26 subdivision created by its laws;

27 (b) A public works project as defined by chapter 39.04 RCW and that
28 is subject to both the prevailing rate of wage of this chapter and the
29 federal prevailing wage rate under 40 U.S.C. Sec. 276a.

30 (3) This chapter does not apply to counties or cities with a
31 population of less than seventy-five thousand persons.

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