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HOUSE BILL 2803

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State of Washington                      64th Legislature                      2016 Regular Session

By Representatives Ormsby, Sells, Reykdal, McBride, and Kilduff

Read first time 01/21/16. Referred to Committee on Labor & Workplace Standards.

1            AN ACT Relating to improving compliance with prevailing wage  
2 procedures; and amending RCW 39.12.050.

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

4            **Sec. 1.** RCW 39.12.050 and 2009 c 219 s 3 are each amended to  
5 read as follows:

6            (1) Any contractor or subcontractor who files a false statement  
7 or fails to file or post any statement or record required to be filed  
8 or posted under this chapter and the rules adopted under this  
9 chapter, shall, after a determination to that effect has been issued  
10 by the director after hearing under chapter 34.05 RCW, forfeit as a  
11 civil penalty the sum of five hundred dollars for each false filing  
12 ~~((or))~~, failure to file, or failure to post, and shall not be  
13 permitted to bid, or have a bid considered, on any public works  
14 contract until the penalty has been paid in full to the director. The  
15 civil penalty under this subsection shall not apply to a violation  
16 determined by the director to be an inadvertent filing or reporting  
17 error. Civil penalties shall be deposited in the public works  
18 administration account.

19            To the extent that a contractor or subcontractor has not paid  
20 wages at the rate due pursuant to RCW 39.12.020, and a finding to  
21 that effect has been made as provided by this subsection, such unpaid

1 wages shall constitute a lien against the bonds and retainage as  
2 provided in RCW 18.27.040, 19.28.041, 39.08.010, and 60.28.011.

3 (2) If a contractor or subcontractor is found to have violated  
4 the provisions of subsection (1) of this section for a second time  
5 within a five year period, the contractor or subcontractor shall be  
6 subject to the sanctions prescribed in subsection (1) of this section  
7 and shall not be allowed to bid on any public works contract for one  
8 year. The one year period shall run from the date of notice by the  
9 director of the determination of noncompliance. When an appeal is  
10 taken from the director's determination, the one year period shall  
11 commence from the date of the final determination of the appeal.

12 The director shall issue his or her findings that a contractor or  
13 subcontractor has violated the provisions of this subsection after a  
14 hearing held subject to the provisions of chapter 34.05 RCW.

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