
SENATE BILL 5684

State of Washington

63rd Legislature

2013 Regular Session

By Senator King

Read first time 02/08/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the prevailing rate of wage paid on public
2 works; and amending RCW 39.12.020, 39.12.021, and 39.12.030.

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

4 **Sec. 1.** RCW 39.12.020 and 2007 c 169 s 1 are each amended to read
5 as follows:

6 The hourly wages to be paid to laborers, workers, or mechanics,
7 employed in construction activities upon all public works and under all
8 public building service maintenance contracts of the state or any
9 county, municipality or political subdivision created by its laws,
10 shall be not less than the prevailing rate of wage for an hour's work
11 in the same trade or occupation in the locality within the state where
12 such labor is performed. For a contract in excess of ten thousand
13 dollars, a contractor required to pay the prevailing rate of wage shall
14 post in a location readily visible to workers at the job site:
15 PROVIDED, That on road construction, sewer line, pipeline, transmission
16 line, street, or alley improvement projects for which no field office
17 is needed or established, a contractor may post the prevailing rate of
18 wage statement at the contractor's local office, gravel crushing,

1 concrete, or asphalt batch plant as long as the contractor provides a
2 copy of the wage statement to any employee on request:

3 (1) A copy of a statement of intent to pay prevailing wages
4 approved by the industrial statistician of the department of labor and
5 industries under RCW 39.12.040; and

6 (2) The address and telephone number of the industrial statistician
7 of the department of labor and industries where a complaint or inquiry
8 concerning prevailing wages may be made.

9 This chapter shall not apply to workers or other persons regularly
10 employed by the state, or any county, municipality, or political
11 subdivision created by its laws, or work not covered by chapter 18.27
12 or 19.28 RCW.

13 **Sec. 2.** RCW 39.12.021 and 1989 c 12 s 8 are each amended to read
14 as follows:

15 Apprentice workers employed in construction activities upon public
16 works projects for whom an apprenticeship agreement has been registered
17 and approved with the state apprenticeship council pursuant to chapter
18 49.04 RCW, must be paid at least the prevailing hourly rate for an
19 apprentice of that trade. Any worker for whom an apprenticeship
20 agreement has not been registered and approved by the state
21 apprenticeship council shall be considered to be a fully qualified
22 journey level worker, and, therefore, shall be paid at the prevailing
23 hourly rate for journey level workers.

24 **Sec. 3.** RCW 39.12.030 and 2009 c 62 s 1 are each amended to read
25 as follows:

26 (1) The specifications for every contract for the construction,
27 reconstruction, maintenance or repair of any public work to which the
28 state or any county, municipality, or political subdivision created by
29 its laws is a party, shall contain a provision stating the hourly
30 minimum rate of wage, not less than the prevailing rate of wage, which
31 may be paid to laborers, workers, or mechanics in each trade or
32 occupation required for such public work employed in the performance of
33 the contract either by the contractor, subcontractor or other person
34 doing or contracting to do the whole or any part of the construction
35 work (~~(contemplated by)~~) under the contract, and the contract shall
36 contain a stipulation that such laborers, workers, or mechanics shall

1 be paid not less than such specified hourly minimum rate of wage. If
2 the awarding agency determines that the work contracted for meets the
3 definition of residential construction, the contract must include that
4 information.

5 (2) If the hourly minimum rate of wage stated in the contract
6 specifies residential construction rates and it is later determined
7 that the work performed is commercial and subject to commercial
8 construction rates, the state, county, municipality, or political
9 subdivision that entered into the contract must pay the difference
10 between the residential rate stated and the actual commercial rate to
11 the contractor, subcontractor, or other person doing or contracting to
12 do the whole or any part of the work under the contract.

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