

HB1058



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1058

Introduced 1/9/2025, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

820 ILCS 130/11

from Ch. 48, par. 39s-11

Amends the Prevailing Wage Act. Provides that all penalties imposed shall be remitted to the Department of Labor and shall be used for the administration and enforcement of the Act.

LRB104 03158 SPS 13179 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Section 11 as follows:

6 (820 ILCS 130/11) (from Ch. 48, par. 39s-11)

7 Sec. 11. No public works project shall be instituted
8 unless the provisions of this Act have been complied with. The
9 provisions of this Act shall not be applicable to Federal
10 construction projects which require a prevailing wage
11 determination by the United States Secretary of Labor. The
12 Illinois Department of Labor represented by the Attorney
13 General is empowered to sue for injunctive relief against the
14 awarding of any contract or the continuation of work under any
15 contract for public works at a time when the prevailing wage
16 prerequisites have not been met. Any contract for public works
17 awarded at a time when the prevailing wage prerequisites had
18 not been met shall be void as against public policy and the
19 contractor is prohibited from recovering any damages for the
20 voiding of the contract or pursuant to the terms of the
21 contract. The contractor is limited to a claim for amounts
22 actually paid for labor and materials supplied to the public
23 body. Where objections to a determination of the prevailing

1 rate of wages or a court action relative thereto is pending,
2 the public body shall not continue work on the project unless
3 sufficient funds are available to pay increased wages if such
4 are finally determined or unless the Department of Labor
5 certifies such determination of the prevailing rate of wages
6 as correct.

7 Any laborer, worker or mechanic employed by the contractor
8 or by any sub-contractor under him who is paid for his services
9 in a sum less than the prevailing rates for work done under
10 such contract, shall have a right of action for whatever
11 difference there may be between the amount so paid, and the
12 rates provided by the contract together with costs and such
13 reasonable attorney's fees as shall be allowed by the court.
14 Such contractor or subcontractor shall also be liable to the
15 Department of Labor for 20% of such underpayments and shall be
16 additionally liable to the laborer, worker or mechanic for
17 punitive damages in the amount of 2% of the amount of any such
18 penalty to the State for underpayments for each month
19 following the date of payment during which such underpayments
20 remain unpaid. Where a second or subsequent action to recover
21 underpayments is brought against a contractor or subcontractor
22 and the contractor or subcontractor is found liable for
23 underpayments to any laborer, worker, or mechanic, the
24 contractor or subcontractor shall also be liable to the
25 Department of Labor for 50% of the underpayments payable as a
26 result of the second or subsequent action, and shall be

1 additionally liable for 5% of the amount of any such penalty to
2 the State for underpayments for each month following the date
3 of payment during which the underpayments remain unpaid. The
4 Department shall also have a right of action on behalf of any
5 individual who has a right of action under this Section. An
6 action brought to recover same shall be deemed to be a suit for
7 wages, and any and all judgments entered therein shall have
8 the same force and effect as other judgments for wages. The
9 action shall be brought within 5 years from the date of the
10 failure to pay the wages or compensation. At the request of any
11 laborer, workman or mechanic employed by the contractor or by
12 any subcontractor under him who is paid less than the
13 prevailing wage rate required by this Act, the Department of
14 Labor may take an assignment of such wage claim in trust for
15 the assigning laborer, workman or mechanic and may bring any
16 legal action necessary to collect such claim, and the
17 contractor or subcontractor shall be required to pay the costs
18 incurred in collecting such claim.

19 All penalties imposed under this Section shall be remitted
20 to the Department of Labor and shall be used for the
21 administration and enforcement of this Act.

22 (Source: P.A. 103-48, eff. 1-1-24.)