



Rep. Dave Vella

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10400HB1058ham001

LRB104 03158 SPS 23477 a

1 AMENDMENT TO HOUSE BILL 1058

2 AMENDMENT NO. _____. Amend House Bill 1058 by replacing
3 everything after the enacting clause with the following:

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

1 awarded at a time when the prevailing wage prerequisites had
2 not been met shall be void as against public policy and the
3 contractor is prohibited from recovering any damages for the
4 voiding of the contract or pursuant to the terms of the
5 contract. The contractor is limited to a claim for amounts
6 actually paid for labor and materials supplied to the public
7 body. Where objections to a determination of the prevailing
8 rate of wages or a court action relative thereto is pending,
9 the public body shall not continue work on the project unless
10 sufficient funds are available to pay increased wages if such
11 are finally determined or unless the Department of Labor
12 certifies such determination of the prevailing rate of wages
13 as correct.

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

1 remain unpaid. Where a second or subsequent action to recover
2 underpayments is brought against a contractor or subcontractor
3 and the contractor or subcontractor is found liable for
4 underpayments to any laborer, worker, or mechanic, the
5 contractor or subcontractor shall also be liable to the
6 Department of Labor for 50% of the underpayments payable as a
7 result of the second or subsequent action, and shall be
8 additionally liable for 5% of the amount of any such penalty to
9 the State for underpayments for each month following the date
10 of payment during which the underpayments remain unpaid. The
11 Department shall also have a right of action on behalf of any
12 individual who has a right of action under this Section. An
13 action brought to recover same shall be deemed to be a suit for
14 wages, and any and all judgments entered therein shall have
15 the same force and effect as other judgments for wages. The
16 action shall be brought within 5 years from the date of the
17 failure to pay the wages or compensation. At the request of any
18 laborer, workman or mechanic employed by the contractor or by
19 any subcontractor under him who is paid less than the
20 prevailing wage rate required by this Act, the Department of
21 Labor may take an assignment of such wage claim in trust for
22 the assigning laborer, workman or mechanic and may bring any
23 legal action necessary to collect such claim, and the
24 contractor or subcontractor shall be required to pay the costs
25 incurred in collecting such claim.

26 All moneys owed to the Department under this Section shall

1 be remitted to the Employee Classification Fund and the
2 Department is authorized to use these funds for the purposes
3 identified in Section 50 of the Employee Classification Act.

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

5 Section 10. The Employee Classification Act is amended by
6 changing Section 50 as follows:

7 (820 ILCS 185/50)

8 Sec. 50. Employee Classification Fund. All moneys received
9 by the Department as fees and civil penalties under this Act
10 and all moneys owed to the Department under the Prevailing
11 Wage Act shall be deposited into the Employee Classification
12 Fund and shall be used, subject to appropriation by the
13 General Assembly, by the Department for administration,
14 investigation, outreach, and educational activities related to
15 this Act and the Prevailing Wage Act and other expenses
16 incurred in carrying out its powers and duties under this Act
17 and the Prevailing Wage Act. The Department shall hire as many
18 investigators and other personnel as may be necessary to carry
19 out the purposes of this Act. Any moneys in the Fund at the end
20 of a fiscal year in excess of those moneys necessary for the
21 Department to carry out its powers and duties under this Act
22 shall be available to the Department for the next fiscal year
23 for any of the Department's duties.

24 (Source: P.A. 95-26, eff. 1-1-08.)"