

# HB3753



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3753

Introduced 2/18/2025, by Rep. Edgar González, Jr.

### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

820 ILCS 130/3

from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that the transportation of ready-mixed concrete and aggregate materials shall be deemed to be employment upon public works. Includes additional trucking related activities within the scope of the Act. Includes in the calculation of the prevailing wage rate, rental costs for trucks and equipment provided by owner-operators. Defines terms. Effective immediately.

LRB104 10561 SPS 20637 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 Sections 2 and 3 as follows:

6 (820 ILCS 130/2)

7 Sec. 2. This Act applies to the wages of laborers,  
8 mechanics and other workers employed in any public works, as  
9 hereinafter defined, by any public body and to anyone under  
10 contracts for public works. This includes any maintenance,  
11 repair, assembly, or disassembly work performed on equipment  
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates  
14 otherwise:

15 "Public works" means all fixed works constructed or  
16 demolished by any public body, or paid for wholly or in part  
17 out of public funds. "Public works" as defined herein includes  
18 all projects financed in whole or in part with bonds, grants,  
19 loans, or other funds made available by or through the State or  
20 any of its political subdivisions, including but not limited  
21 to: bonds issued under the Industrial Project Revenue Bond Act  
22 (Article 11, Division 74 of the Illinois Municipal Code), the  
23 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act,  
2 or the Build Illinois Bond Act; loans or other funds made  
3 available pursuant to the Build Illinois Act; loans or other  
4 funds made available pursuant to the Riverfront Development  
5 Fund under Section 10-15 of the River Edge Redevelopment Zone  
6 Act; or funds from the Fund for Illinois' Future under Section  
7 6z-47 of the State Finance Act, funds for school construction  
8 under Section 5 of the General Obligation Bond Act, funds  
9 authorized under Section 3 of the School Construction Bond  
10 Act, funds for school infrastructure under Section 6z-45 of  
11 the State Finance Act, and funds for transportation purposes  
12 under Section 4 of the General Obligation Bond Act. "Public  
13 works" also includes (i) all projects financed in whole or in  
14 part with funds from the Environmental Protection Agency under  
15 the Illinois Renewable Fuels Development Program Act for which  
16 there is no project labor agreement; (ii) all work performed  
17 pursuant to a public private agreement under the Public  
18 Private Agreements for the Illiana Expressway Act or the  
19 Public-Private Agreements for the South Suburban Airport Act;  
20 (iii) all projects undertaken under a public-private agreement  
21 under the Public-Private Partnerships for Transportation Act  
22 or the Department of Natural Resources World Shooting and  
23 Recreational Complex Act; and (iv) all transportation  
24 facilities undertaken under a design-build contract or a  
25 Construction Manager/General Contractor contract under the  
26 Innovations for Transportation Infrastructure Act. "Public

1 works" also includes all projects at leased facility property  
2 used for airport purposes under Section 35 of the Local  
3 Government Facility Lease Act. "Public works" also includes  
4 the construction of a new wind power facility by a business  
5 designated as a High Impact Business under Section  
6 5.5(a)(3)(E) and the construction of a new utility-scale solar  
7 power facility by a business designated as a High Impact  
8 Business under Section 5.5(a)(3)(E-5) of the Illinois  
9 Enterprise Zone Act. "Public works" also includes electric  
10 vehicle charging station projects financed pursuant to the  
11 Electric Vehicle Act and renewable energy projects required to  
12 pay the prevailing wage pursuant to the Illinois Power Agency  
13 Act. "Public works" also includes power washing projects by a  
14 public body or paid for wholly or in part out of public funds  
15 in which steam or pressurized water, with or without added  
16 abrasives or chemicals, is used to remove paint or other  
17 coatings, oils or grease, corrosion, or debris from a surface  
18 or to prepare a surface for a coating. "Public works" does not  
19 include work done directly by any public utility company,  
20 whether or not done under public supervision or direction, or  
21 paid for wholly or in part out of public funds. "Public works"  
22 also includes construction projects performed by a third party  
23 contracted by any public utility, as described in subsection  
24 (a) of Section 2.1, in public rights-of-way, as defined in  
25 Section 21-201 of the Public Utilities Act, whether or not  
26 done under public supervision or direction, or paid for wholly

1 or in part out of public funds. "Public works" also includes  
2 construction projects that exceed 15 aggregate miles of new  
3 fiber optic cable, performed by a third party contracted by  
4 any public utility, as described in subsection (b) of Section  
5 2.1, in public rights-of-way, as defined in Section 21-201 of  
6 the Public Utilities Act, whether or not done under public  
7 supervision or direction, or paid for wholly or in part out of  
8 public funds. "Public works" also includes any corrective  
9 action performed pursuant to Title XVI of the Environmental  
10 Protection Act for which payment from the Underground Storage  
11 Tank Fund is requested. "Public works" also includes all  
12 construction projects involving fixtures or permanent  
13 attachments affixed to light poles that are owned by a public  
14 body, including street light poles, traffic light poles, and  
15 other lighting fixtures, whether or not done under public  
16 supervision or direction, or paid for wholly or in part out of  
17 public funds, unless the project is performed by employees  
18 employed directly by the public body. "Public works" also  
19 includes work performed subject to the Mechanical Insulation  
20 Energy and Safety Assessment Act. "Public works" also includes  
21 the removal, hauling, and transportation of biosolids, lime  
22 sludge, and lime residue from a water treatment plant or  
23 facility and the disposal of biosolids, lime sludge, and lime  
24 residue removed from a water treatment plant or facility at a  
25 landfill. "Public works" does not include projects undertaken  
26 by the owner at an owner-occupied single-family residence or

1 at an owner-occupied unit of a multi-family residence. "Public  
2 works" does not include work performed for soil and water  
3 conservation purposes on agricultural lands, whether or not  
4 done under public supervision or paid for wholly or in part out  
5 of public funds, done directly by an owner or person who has  
6 legal control of those lands.

7 "Construction" means all work on public works involving  
8 laborers, workers or mechanics. This includes any maintenance,  
9 repair, assembly, or disassembly work performed on equipment  
10 whether owned, leased, or rented.

11 "Trucking broker" means an individual or business entity,  
12 the activities of which include, but are not limited to:

13 (1) contracting to provide trucking services in the  
14 construction industry to users of those services;

15 (2) contracting to obtain such service from providers  
16 of trucking services;

17 (3) dispatching the providers of the services to do  
18 work as required by the users of such services;

19 (4) receiving payment from the users in consideration  
20 of the trucking services provided; and

21 (5) making payment to the providers for the services.

22 "Trucking firm" means any legal business entity that owns  
23 one or more vehicles and hires the vehicles out for services to  
24 trucking brokers or contractors on public works projects.

25 "Independent truck owner-operator" means an individual,  
26 partnership, or principal stockholder of a corporation that

1 owns or holds a vehicle under lease and that contracts that  
2 vehicle and the owner's services to an entity which provides  
3 construction services to a public works project.

4 "Ready-mixed concrete" means concrete that is manufactured  
5 according to a set recipe for incorporation into a public  
6 works project.

7 "Aggregate" or "excavated materials" includes, but is not  
8 limited to, rock, gravel, sand, pebbles, dirt, soil, clay,  
9 bitumen, cultured and polymer materials, cement, concrete,  
10 asphalt, slag, grindings, and recycled materials.

11 "Stockpile" means aggregate or excavated materials that  
12 are placed in a location for temporary storage when all or  
13 substantially all of the aggregate or excavated material is  
14 relocated by loading and hauling it to another location for  
15 final placement.

16 "Transportation" means any required hauling activities on  
17 the site of, or to or from, a public works project or stockpile  
18 regardless of whether the activity is performed by the prime  
19 contractor, subcontractor, trucking broker, trucking firm,  
20 independent truck owner-operator, or employee or agent of any  
21 of the foregoing entities and regardless of which entity or  
22 person hires or contracts with another.

23 "Transportation of ready-mixed concrete" means receiving  
24 the concrete at the factory or batching plant, hauling and  
25 delivery to a public works project, and the return trip to the  
26 factory or batching plant, whether or not the factory or

1 batching plant is mobile or in a fixed location.

2 "Transportation of aggregate or excavated materials"  
3 includes, but is not limited to, work, as required by the users  
4 of the services, for:

5 (1) the hauling of any or all stockpiled materials on  
6 the project work site to other locations on the same  
7 project even if the trucks leave the work site at some  
8 point;

9 (2) the delivery of materials from any facility or any  
10 stockpile to the project and the return haul to the  
11 starting location either empty or loaded;

12 (3) the delivery of materials from another  
13 construction project site to the public works project and  
14 the return haul empty or loaded;

15 (4) the hauling required to remove any materials from  
16 the public works project to a location off the project  
17 site and the return haul either empty or loaded; and

18 (5) the delivery of materials by an employee of a  
19 seller or supplier and the return haul to the off-site  
20 facility or any stockpile empty or loaded by an employee  
21 of the seller or supplier.

22 The hauling of aggregate or excavated materials by  
23 employees of a contractor or subcontractor that operates an  
24 asphalt or concrete plant, that was moved into a gravel pit,  
25 borrow pit, or other location not on the project, primarily to  
26 serve public works projects is considered work under the

1 contract.

2 "Locality" means the county where the physical work upon  
3 public works is performed, except (1) that if there is not  
4 available in the county a sufficient number of competent  
5 skilled laborers, workers and mechanics to construct the  
6 public works efficiently and properly, "locality" includes any  
7 other county nearest the one in which the work or construction  
8 is to be performed and from which such persons may be obtained  
9 in sufficient numbers to perform the work and (2) that, with  
10 respect to contracts for highway work with the Department of  
11 Transportation of this State, "locality" may at the discretion  
12 of the Secretary of the Department of Transportation be  
13 construed to include two or more adjacent counties from which  
14 workers may be accessible for work on such construction.

15 "Public body" means the State or any officer, board or  
16 commission of the State or any political subdivision or  
17 department thereof, or any institution supported in whole or  
18 in part by public funds, and includes every county, city,  
19 town, village, township, school district, irrigation, utility,  
20 reclamation improvement or other district and every other  
21 political subdivision, district or municipality of the state  
22 whether such political subdivision, municipality or district  
23 operates under a special charter or not.

24 "Labor organization" means an organization that is the  
25 exclusive representative of an employer's employees recognized  
26 or certified pursuant to the National Labor Relations Act.

1           The terms "general prevailing rate of hourly wages",  
2 "general prevailing rate of wages" or "prevailing rate of  
3 wages" when used in this Act mean the hourly cash wages plus  
4 annualized fringe benefits for training and apprenticeship  
5 programs approved by the U.S. Department of Labor, Bureau of  
6 Apprenticeship and Training, health and welfare, insurance,  
7 vacations and pensions paid generally, in the locality in  
8 which the work is being performed, to employees engaged in  
9 work of a similar character on public works, and for those who  
10 own, such as an independent owner-operator, and operate a  
11 truck and are engaged in the transportation of ready-mixed  
12 concrete or transportation of aggregate or excavated  
13 materials, the prevailing rate, shall, in addition, include  
14 the equipment rate established by the Illinois Department of  
15 Transportation associated with the nature of the equipment  
16 operated and the rental rate paid for truck hire by those who  
17 own or operate a truck, whichever is applicable.

18           (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;  
19 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.  
20 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,  
21 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;  
22 103-605, eff. 7-1-24.)

23           (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

24           Sec. 3. Not less than the general prevailing rate of  
25 hourly wages for work of a similar character on public works in

1 the locality in which the work is performed, and not less than  
2 the general prevailing rate of hourly wages for legal holiday  
3 and overtime work, shall be paid to all laborers, workers and  
4 mechanics employed by or on behalf of any public body engaged  
5 in the construction or demolition of public works. This  
6 includes any maintenance, repair, assembly, or disassembly  
7 work performed on equipment whether owned, leased, or rented.  
8 ~~All~~ ~~Only such~~ laborers, workers, and mechanics ~~as are~~ directly  
9 employed by contractors or subcontractors in actual  
10 construction work on the site of the building or construction  
11 job shall be deemed to be employed upon public works. The  
12 transportation of ready-mixed concrete and transportation of  
13 aggregate or excavated materials to the job site or stockpile  
14 shall be deemed to be employed in construction upon public  
15 works. Laborers, and laborers, workers, and mechanics  
16 otherwise engaged in the transportation of materials and  
17 equipment to or from the site, ~~but not including the~~  
18 ~~transportation~~ by the sellers and suppliers or the manufacture  
19 or processing of materials or equipment, ~~in the execution of~~  
20 ~~any contract or contracts for public works with any public~~  
21 ~~body~~ shall not be deemed to be employed upon public works. The  
22 wage for a tradesman performing maintenance is equivalent to  
23 that of a tradesman engaged in construction or demolition.

24 (Source: P.A. 95-341, eff. 8-21-07; 96-186, eff. 1-1-10.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.