



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1189

Introduced 1/9/2025, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2
820 ILCS 130/11

from Ch. 48, par. 39s-11

Amends the Prevailing Wage Act. Provides that the definition of "public works" includes all federal construction projects administered or controlled by a public body if the prevailing rate of wages is equal to or greater than the prevailing wage determination by the United States Secretary of Labor for the same locality for the same type of construction used to classify the federal construction project. Makes a conforming change. Effective July 1, 2025.

LRB104 07452 SPS 17493 b

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 11 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 all federal construction projects
14 administered or controlled by a public body if the prevailing
15 rate of wages is equal to or greater than the prevailing wage
16 determination by the United States Secretary of Labor for the
17 same locality for the same type of construction used to
18 classify the federal construction project. "Public works" also
19 includes (i) all projects financed in whole or in part with
20 funds from the Environmental Protection Agency under the
21 Illinois Renewable Fuels Development Program Act for which
22 there is no project labor agreement; (ii) all work performed
23 pursuant to a public private agreement under the Public
24 Private Agreements for the Illiana Expressway Act or the
25 Public-Private Agreements for the South Suburban Airport Act;
26 (iii) all projects undertaken under a public-private agreement

1 under the Public-Private Partnerships for Transportation Act
2 or the Department of Natural Resources World Shooting and
3 Recreational Complex Act; and (iv) all transportation
4 facilities undertaken under a design-build contract or a
5 Construction Manager/General Contractor contract under the
6 Innovations for Transportation Infrastructure Act. "Public
7 works" also includes all projects at leased facility property
8 used for airport purposes under Section 35 of the Local
9 Government Facility Lease Act. "Public works" also includes
10 the construction of a new wind power facility by a business
11 designated as a High Impact Business under Section
12 5.5(a)(3)(E) and the construction of a new utility-scale solar
13 power facility by a business designated as a High Impact
14 Business under Section 5.5(a)(3)(E-5) of the Illinois
15 Enterprise Zone Act. "Public works" also includes electric
16 vehicle charging station projects financed pursuant to the
17 Electric Vehicle Act and renewable energy projects required to
18 pay the prevailing wage pursuant to the Illinois Power Agency
19 Act. "Public works" also includes power washing projects by a
20 public body or paid for wholly or in part out of public funds
21 in which steam or pressurized water, with or without added
22 abrasives or chemicals, is used to remove paint or other
23 coatings, oils or grease, corrosion, or debris from a surface
24 or to prepare a surface for a coating. "Public works" does not
25 include work done directly by any public utility company,
26 whether or not done under public supervision or direction, or

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

1 the removal, hauling, and transportation of biosolids, lime
2 sludge, and lime residue from a water treatment plant or
3 facility and the disposal of biosolids, lime sludge, and lime
4 residue removed from a water treatment plant or facility at a
5 landfill. "Public works" does not include projects undertaken
6 by the owner at an owner-occupied single-family residence or
7 at an owner-occupied unit of a multi-family residence. "Public
8 works" does not include work performed for soil and water
9 conservation purposes on agricultural lands, whether or not
10 done under public supervision or paid for wholly or in part out
11 of public funds, done directly by an owner or person who has
12 legal control of those lands.

13 "Construction" means all work on public works involving
14 laborers, workers or mechanics. This includes any maintenance,
15 repair, assembly, or disassembly work performed on equipment
16 whether owned, leased, or rented.

17 "Locality" means the county where the physical work upon
18 public works is performed, except (1) that if there is not
19 available in the county a sufficient number of competent
20 skilled laborers, workers and mechanics to construct the
21 public works efficiently and properly, "locality" includes any
22 other county nearest the one in which the work or construction
23 is to be performed and from which such persons may be obtained
24 in sufficient numbers to perform the work and (2) that, with
25 respect to contracts for highway work with the Department of
26 Transportation of this State, "locality" may at the discretion

1 of the Secretary of the Department of Transportation be
2 construed to include two or more adjacent counties from which
3 workers may be accessible for work on such construction.

4 "Public body" means the State or any officer, board or
5 commission of the State or any political subdivision or
6 department thereof, or any institution supported in whole or
7 in part by public funds, and includes every county, city,
8 town, village, township, school district, irrigation, utility,
9 reclamation improvement or other district and every other
10 political subdivision, district or municipality of the state
11 whether such political subdivision, municipality or district
12 operates under a special charter or not.

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

16 The terms "general prevailing rate of hourly wages",
17 "general prevailing rate of wages" or "prevailing rate of
18 wages" when used in this Act mean the hourly cash wages plus
19 annualized fringe benefits for training and apprenticeship
20 programs approved by the U.S. Department of Labor, Bureau of
21 Apprenticeship and Training, health and welfare, insurance,
22 vacations and pensions paid generally, in the locality in
23 which the work is being performed, to employees engaged in
24 work of a similar character on public works.

25 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
26 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.

1 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,
2 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;
3 103-605, eff. 7-1-24.)

4 (820 ILCS 130/11) (from Ch. 48, par. 39s-11)

5 Sec. 11. No public works project shall be instituted
6 unless the provisions of this Act have been complied with. The
7 provisions of this Act shall not be applicable to federal
8 ~~Federal~~ construction projects that ~~which~~ require a prevailing
9 wage determination by the United States Secretary of Labor,
10 except as described in Section 2. The Illinois Department of
11 Labor represented by the Attorney General is empowered to sue
12 for injunctive relief against the awarding of any contract or
13 the continuation of work under any contract for public works
14 at a time when the prevailing wage prerequisites have not been
15 met. Any contract for public works awarded at a time when the
16 prevailing wage prerequisites had not been met shall be void
17 as against public policy and the contractor is prohibited from
18 recovering any damages for the voiding of the contract or
19 pursuant to the terms of the contract. The contractor is
20 limited to a claim for amounts actually paid for labor and
21 materials supplied to the public body. Where objections to a
22 determination of the prevailing rate of wages or a court
23 action relative thereto is pending, the public body shall not
24 continue work on the project unless sufficient funds are
25 available to pay increased wages if such are finally

1 determined or unless the Department of Labor certifies such
2 determination of the prevailing rate of wages as correct.

3 Any laborer, worker or mechanic employed by the contractor
4 or by any sub-contractor under him who is paid for his services
5 in a sum less than the prevailing rates for work done under
6 such contract, shall have a right of action for whatever
7 difference there may be between the amount so paid, and the
8 rates provided by the contract together with costs and such
9 reasonable attorney's fees as shall be allowed by the court.

10 Such contractor or subcontractor shall also be liable to the
11 Department of Labor for 20% of such underpayments and shall be
12 additionally liable to the laborer, worker or mechanic for
13 punitive damages in the amount of 2% of the amount of any such
14 penalty to the State for underpayments for each month
15 following the date of payment during which such underpayments
16 remain unpaid. Where a second or subsequent action to recover
17 underpayments is brought against a contractor or subcontractor
18 and the contractor or subcontractor is found liable for
19 underpayments to any laborer, worker, or mechanic, the
20 contractor or subcontractor shall also be liable to the
21 Department of Labor for 50% of the underpayments payable as a
22 result of the second or subsequent action, and shall be
23 additionally liable for 5% of the amount of any such penalty to
24 the State for underpayments for each month following the date
25 of payment during which the underpayments remain unpaid. The
26 Department shall also have a right of action on behalf of any

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

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

16 Section 99. Effective date. This Act takes effect July 1,
17 2025.