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**HOUSE BILL 1099**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Berry and Ormsby

Prefiled 12/30/22.

1 AN ACT Relating to requiring wages for laborers, workers, and  
2 mechanics in public works contracts to be at least the prevailing  
3 rate of wage in effect at the time the work is performed; amending  
4 RCW 39.12.030; creating a new section; and providing an effective  
5 date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the voters of  
8 this state have twice recognized by way of initiative the importance  
9 of fair labor standards and protecting workers by establishing  
10 minimum wages and appropriate incremental adjustments to minimum  
11 wages. Similarly, the prevailing wage laws are the minimum wage  
12 required to be paid on public works projects. However, in most cases,  
13 prevailing wages are frozen from the time bids are due for the  
14 duration of the project regardless of how long it takes to complete.  
15 The legislature intends to provide for fair labor standards and the  
16 protection of workers by requiring that wages be adjusted in  
17 accordance with prevailing rate of wage adjustments published by the  
18 department of labor and industries.

19 **Sec. 2.** RCW 39.12.030 and 2009 c 62 s 1 are each amended to read  
20 as follows:

1 (1) The specifications for every contract for the construction,  
2 reconstruction, maintenance or repair of any public work to which the  
3 state or any county, municipality, or political subdivision created  
4 by its laws is a party, shall contain a provision stating the hourly  
5 minimum rate of wage, not less than the prevailing rate of wage,  
6 which may be paid to laborers, workers, or mechanics in each trade or  
7 occupation required for such public work employed in the performance  
8 of the contract either by the contractor, subcontractor or other  
9 person doing or contracting to do the whole or any part of the work  
10 contemplated by the contract, and the contract shall (~~contain a~~  
11 ~~stipulation~~)) stipulate that such laborers, workers, or mechanics  
12 shall be paid not less than such specified hourly minimum rate of  
13 wage. The contract shall stipulate that the hourly minimum rate of  
14 wage for laborers, workers, or mechanics must be adjusted as  
15 necessary to provide that such wage is not less than the latest  
16 prevailing rate of wage in effect at the time the work is performed.  
17 If the awarding agency determines that the work contracted for meets  
18 the definition of residential construction, the contract must include  
19 that information.

20 (2) If the hourly minimum rate of wage stated in the contract  
21 specifies residential construction rates and it is later determined  
22 that the work performed is commercial and subject to commercial  
23 construction rates, the state, county, municipality, or political  
24 subdivision that entered into the contract must pay the difference  
25 between the residential rate stated and the actual commercial rate to  
26 the contractor, subcontractor, or other person doing or contracting  
27 to do the whole or any part of the work under the contract.

28 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2024.

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