

CHAPTER 71

[Substitute House Bill No. 238]

PUBLIC WORKS CONTRACTS—PREVAILING WAGE REQUIREMENTS—PENALTIES

AN ACT Relating to public works contracts; amending section 5, chapter 63, Laws of 1945 as amended by section 1, chapter 120, Laws of 1973 and RCW 39.12.050; and prescribing a penalty.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 5, chapter 63, Laws of 1945 as amended by section 1, chapter 120, Laws of 1973 and RCW 39.12.050 are each amended to read as follows:

(1) Any contractor or subcontractor who shall upon ~~((his))~~ oath verify any statement required to be filed under this chapter which is known by ~~((him))~~ said person to be false, or is made without knowledge and in reckless disregard of the truth, shall, after a finding to that effect in a hearing held by the director of the department of labor and industries, subject to the provisions of chapter 34.04 RCW, be subject to a civil penalty not to exceed five ~~((hundred))~~ thousand dollars, and shall not be permitted to bid on any contract covered by the provisions of this chapter until such ~~((penalty))~~ fine has been paid in full to the director and until all wages due pursuant to the prevailing wage requirements of RCW 39.12.020 have been paid.

To the extent that a contractor or subcontractor has not paid wages at the rate ~~((required by this chapter))~~ due pursuant to RCW 39.12.020, and a finding to that effect has been made as provided by this ~~((section))~~ subsection, such unpaid wages shall constitute a lien of the first priority against such contractor's or subcontractor's bond according to the provisions of RCW 18.27.040.

(2) If a contractor or subcontractor is found to have violated the provisions of subsection (1) of this section for a second or subsequent time within a five year period, said contractor or subcontractor shall be subject to the sanctions prescribed in subsection (1) of this section and shall, at the discretion of the director of the department of labor and industries, be prohibited from bidding on any contract covered by the provisions of this chapter for a period of one year from the date of notice by the director of his findings that said contractor or subcontractor has violated the provisions of subsection (1) of this section for a second or subsequent time within a five year period, or during the period of any appeal thereof, in which event the one year period shall commence from the date of the final determination from any appeal taken of the director's findings, but in no event shall any contractor or subcontractor be allowed to bid on any contract covered by the provisions of this chapter until the fine prescribed by subsection (1) of this section has been paid to the director and until all wages due pursuant to the prevailing wage requirement of RCW 39.12.020 have been paid.

The director shall issue his findings that a contractor or subcontractor has violated the provisions of this subsection after a hearing held subject to the provisions of chapter 34.04 RCW.

Passed the House March 22, 1977.

Passed the Senate May 16, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.