

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 699

(First Reading File Bill)

AMENDMENT NO. 1

In line 4, after “projects;” insert “establishing certain penalties for certain violations of the prevailing wage law; increasing certain penalties for certain violations of the prevailing wage law; requiring the Governor to include an appropriation in the annual budget to fund certain positions; providing for the application of this Act;”; in line 8, after “17-214” insert “, 17-219, 17-222, and 17-226”; in line 19, strike “and” and substitute “OR”; and in line 23, strike “AND” and substitute “OR”.

AMENDMENT NO. 2

After line 24, insert:

“17-219.

(a) Each contractor under a public work contract subject to this subtitle shall:

(1) post a clearly legible statement of each prevailing wage rate to be paid under the public work contract; and

(2) keep the statement posted during the full time that any employee is employed on the public work contract.

(b) The statement of prevailing wage rates shall be posted in a prominent and easily accessible place at the site of the public work.

(C) THE SECRETARY MAY IMPOSE ON A PERSON THAT VIOLATES THIS SECTION A CIVIL PENALTY OF \$50 PER VIOLATION.

(Over)

17-222.

(a) A contractor under a public work contract is liable to the public body for liquidated damages of [\$10] \$20 for each laborer or other employee for each day for which:

(1) the laborer is paid less than the prevailing wage rate of a mechanic while performing a task required to be performed by a mechanic or mechanic's apprentice; or

(2) the employee is paid less than the prevailing wage rate.

(b) If a contractor or subcontractor pays an employee less than the amount the employee is entitled to receive for the work performed, the contractor or subcontractor shall make restitution to the employee.

17-226.

(a) (1) After investigation and entry of an order in accordance with § 17-221 of this subtitle, the Commissioner shall file with the Secretary of State a list of the contractors and any subcontractors who persistently and willfully violate the provisions of this subtitle.

(2) Filing under this subsection shall be notice to a public body and its representatives.

(b) (1) If the name of a contractor or any subcontractor appears on the list, that contractor or subcontractor shall be prohibited from entering into a contract for construction of a public work directly or indirectly for [1 year] 2 YEARS from the day on which the list is filed.

(2) A public body may not award a contract for construction of a public work to a person who is prohibited from entering into a contract under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall include in the annual budget for each fiscal year beginning with Fiscal Year 1999 an appropriation for two additional Wage and Hour Inspectors I, Grade 9, in the Prevailing Wage Unit of the Division of Labor and Industry in the Department of Labor, Licensing, and Regulation.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively and may be applied only to contracts resulting from a request for proposals made after

the effective date of this Act.”;

and in line 25, strike “2.” and substitute “4.”.