
SENATE BILL 5775

State of Washington

64th Legislature

2015 Regular Session

By Senators Braun and Baumgartner

Read first time 02/02/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to improving the accuracy of the prevailing rate
2 of wage; amending RCW 39.12.026, 39.12.070, and 39.12.080; adding a
3 new section to chapter 39.12 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 39.12.026 and 2003 c 363 s 206 are each amended to
6 read as follows:

7 ~~((1))~~ In establishing the prevailing rate of wage under RCW
8 39.12.010, 39.12.015, and 39.12.020~~((7))~~:

9 (1) The department of labor and industries shall use a stratified
10 random sampling methodology; and

11 (2) All data collected by the department may be used only in the
12 county for which the work was performed.

13 ~~((2) This section applies only to prevailing wage surveys~~
14 ~~initiated on or after August 1, 2003.)~~

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.12
16 RCW to read as follows:

17 (1)(a) To conduct the stratified random sampling methodology as
18 required under RCW 39.12.026, the department of labor and industries
19 shall identify the contractors, employers, and labor unions eligible
20 to receive wage surveys in specific trades or occupations. The

1 department shall send wage surveys to thirty percent of those
2 eligible survey recipients in each trade or occupation. The
3 department shall use a random method to select the recipients of the
4 survey in each trade or occupation.

5 (b) The prevailing rate of wage for a trade or occupation may be
6 established using a stratified random sampling methodology when the
7 department has received survey responses from twenty-five percent of
8 the recipients in that particular trade or occupation.

9 (2)(a) A recipient of a wage survey is required to respond to the
10 survey within ninety days of receiving the survey.

11 (b) If a recipient has not responded within ninety days, the
12 department shall contact the recipient by telephone. If after thirty
13 days of the first telephone call the recipient has still not
14 responded, the department shall contact the recipient by telephone
15 and notify the recipient that it must respond to the survey and will
16 be subject to civil penalties if the recipient fails to respond.

17 (c) If the recipient fails to respond within fourteen business
18 days of the department's second telephone call to the recipient, the
19 department shall assess a civil penalty of five hundred dollars
20 against the recipient.

21 (d) Civil penalties collected under this section are deposited in
22 the public works administration account.

23 **Sec. 3.** RCW 39.12.070 and 2014 c 148 s 1 are each amended to
24 read as follows:

25 (1) The department of labor and industries may charge fees to
26 awarding agencies on public works for the approval of statements of
27 intent to pay prevailing wages and the certification of affidavits of
28 wages paid. The department may also charge fees to persons or
29 organizations requesting the arbitration of disputes under RCW
30 39.12.060. The amount of the fees shall be established by rules
31 adopted by the department under the procedures in the administrative
32 procedure act, chapter 34.05 RCW. Except as provided in subsection
33 (3) of this section, the fees shall apply to all approvals,
34 certifications, and arbitration requests made after the effective
35 date of the rules. All fees shall be deposited in the public works
36 administration account. The department may refuse to arbitrate for
37 contractors, subcontractors, persons, or organizations which have not
38 paid the proper fees. The department may, if necessary, request the
39 attorney general to take legal action to collect delinquent fees.

1 (2) The department shall set the fees permitted by this section
2 at a level that generates revenue that is as near as practicable to
3 the amount of the appropriation to administer this chapter((~~7~~))
4 including, but not limited to, (~~the performance of adequate wage~~
5 ~~surveys~~) collecting data to establish the prevailing rate of wage,
6 and to investigate and enforce all alleged violations of this
7 chapter((~~7~~)) including, but not limited to, incorrect statements of
8 intent to pay prevailing wage, incorrect certificates of affidavits
9 of wages paid, and wage claims, as provided for in this chapter and
10 chapters 49.48 and 49.52 RCW. However, the fees charged for the
11 approval of statements of intent to pay prevailing wages and the
12 certification of affidavits of wages paid shall be forty dollars.

13 (3) If, at the time an individual or entity files an affidavit of
14 wages paid, the individual or entity is exempt from the requirement
15 to pay the prevailing rate of wage under RCW 39.12.020, the
16 department of labor and industries may not charge a fee to certify
17 the affidavit of wages paid.

18 **Sec. 4.** RCW 39.12.080 and 2006 c 230 s 2 are each amended to
19 read as follows:

20 The public works administration account is created in the state
21 treasury. The department of labor and industries shall deposit in the
22 account all moneys received from fees or civil penalties collected
23 under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from
24 the account may be made only for the purposes of administration of
25 this chapter, including, but not limited to, (~~the performance of~~
26 ~~adequate wage surveys~~) collecting data to establish the prevailing
27 rate of wage, and for the investigation and enforcement of all
28 alleged violations of this chapter as provided for in this chapter
29 and chapters 49.48 and 49.52 RCW.

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