

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5383**

52nd Legislature  
1991 Regular Session

Passed by the Senate March 13, 1991  
Yeas 46 Nays 0

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**President of the Senate**

Passed by the House April 9, 1991  
Yeas 93 Nays 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5383** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**



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**SUBSTITUTE SENATE BILL 5383**

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Passed Legislature - 1991 Regular Session

**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Commerce & Labor (originally sponsored by Senators Hansen, Snyder, Matson, Barr and Skratek). Read first time March 6, 1991.

1       AN ACT Relating to procedures for approving statements of intent to  
2 pay prevailing wages; for certifying affidavits of wages paid; for  
3 collection of wages owed, including penalties for noncompliance; for  
4 public works projects of two thousand five hundred dollars or less; and  
5 amending RCW 39.12.040.

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

7       **Sec. 1.** RCW 39.12.040 and 1982 c 130 s 2 are each amended to read  
8 as follows:

9       (1) Except as provided in subsection (2) of this section, before  
10 payment is made by or on behalf of the state, or any county,  
11 municipality, or political subdivision created by its laws, of any sum  
12 or sums due on account of a public works contract, it shall be the duty  
13 of the officer or person charged with the custody and disbursement of  
14 public funds to require the contractor and each and every subcontractor  
15 from the contractor or a subcontractor to submit to such officer a

1 "Statement of Intent to Pay Prevailing Wages". For a contract in  
2 excess of ten thousand dollars, the statement of intent to pay  
3 prevailing wages shall include:

- 4 ~~((1))~~ (a) The contractor's registration certificate number; and
- 5 ~~((2))~~ (b) The prevailing rate of wage for each classification of  
6 workers entitled to prevailing wages under RCW 39.12.020 and the  
7 estimated number of workers in each classification.

8 Each statement of intent to pay prevailing wages must be approved  
9 by the industrial statistician of the department of labor and  
10 industries before it is submitted to said officer. Unless otherwise  
11 authorized by the department of labor and industries, each voucher  
12 claim submitted by a contractor for payment on a project estimate shall  
13 state that the prevailing wages have been paid in accordance with the  
14 prefiled statement or statements of intent to pay prevailing wages on  
15 file with the public agency. Following the final acceptance of a  
16 public works project, it shall be the duty of the officer charged with  
17 the disbursement of public funds, to require the contractor and each  
18 and every subcontractor from the contractor or a subcontractor to  
19 submit to such officer an "Affidavit of Wages Paid" before the funds  
20 retained according to the provisions of RCW 60.28.010 are released to  
21 the contractor. Each affidavit of wages paid must be certified by the  
22 industrial statistician of the department of labor and industries  
23 before it is submitted to said officer.

24 (2) As an alternate to the procedures provided for in subsection  
25 (1) of this section, for public works projects of two thousand five  
26 hundred dollars or less:

27 (a) An awarding agency may authorize the contractor or  
28 subcontractor to submit the statement of intent to pay prevailing wages  
29 directly to the officer or person charged with the custody or  
30 disbursement of public funds in the awarding agency without approval by

1 the industrial statistician of the department of labor and industries.  
2 The awarding agency shall retain such statement of intent to pay  
3 prevailing wages for a period of not less than three years.

4 (b) Upon final acceptance of the public works project, the awarding  
5 agency shall require the contractor or subcontractor to submit an  
6 affidavit of wages paid. Upon receipt of the affidavit of wages paid,  
7 the awarding agency may pay the contractor or subcontractor in full,  
8 including funds that would otherwise be retained according to the  
9 provisions of RCW 60.28.010. Within thirty days of receipt of the  
10 affidavit of wages paid, the awarding agency shall submit the affidavit  
11 of wages paid to the industrial statistician of the department of labor  
12 and industries for approval.

13 (c) A statement of intent to pay prevailing wages and an affidavit  
14 of wages paid shall be on forms approved by the department of labor and  
15 industries.

16 (d) In the event of a wage claim and a finding for the claimant by  
17 the department of labor and industries where the awarding agency has  
18 used the alternative process provided for in subsection (2) of this  
19 section, the awarding agency shall pay the wages due directly to the  
20 claimant. If the contractor or subcontractor did not pay the wages  
21 stated in the affidavit of wages paid, the awarding agency may take  
22 action at law to seek reimbursement from the contractor or  
23 subcontractor of wages paid to the claimant, and may prohibit the  
24 contractor or subcontractor from bidding on any public works contract  
25 of the awarding agency for up to one year.

26 (e) Nothing in this section shall be interpreted to allow an  
27 awarding agency to subdivide any public works project of more than two  
28 thousand five hundred dollars for the purpose of circumventing the  
29 procedures required by RCW 39.12.040(1).