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Public Contracts Labor Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Doug Owens
Senate Sponsor:

LONG TITLE

General Description:

This bill addresses wage standards.

Highlighted Provisions:

This bill:

- defines terms;
- directs the Labor Commission to determine the wages for all occupations required for construction projects for each county within the state; and
- establishes:
 - a minimum a contractor may pay a qualifying employee;
 - record keeping requirements; and
 - penalties for noncompliance.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-6a-603, as last amended by Laws of Utah 2020, Chapter 257

ENACTS:

- 34-58-101**, Utah Code Annotated 1953
- 34-58-102**, Utah Code Annotated 1953
- 34-58-103**, Utah Code Annotated 1953
- 34-58-104**, Utah Code Annotated 1953
- 34-58-105**, Utah Code Annotated 1953
- 34-58-106**, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

31 Section 1. Section **34-58-101** is enacted to read:

32 **CHAPTER 58. INDUSTRY STABILIZATION ACT**

33 **Part 1. General Provisions**

34 **34-58-101 . Definitions.**

35 As used in this chapter:

36 (1) "Commission" means the Labor Commission created in Section 34A-1-103.

37 (2)(a) "Construction project" means a project for the construction, renovation, alteration,
38 or improvement of a public facility on real property, the costs of which, including
39 services, labor, supplies, and materials for the project, are at least \$100,000.

40 (b) "Construction project" does not include services and supplies for the routine,
41 day-to-day operation, repair, or maintenance of an existing public facility.

42 (3) "Contractor" means a contractor, a subcontractor, or a public entity.

43 (4) "Division" means the Division of Purchasing and General Services, created in Section
44 63A-2-101.

45 (5) "Prevailing wage" means the median amount of compensation plus benefits, including
46 bonuses and commissions.

47 (6) "Procurement unit" means the same as that term is defined in Section 63G-6a-103.

48 (7) "Public entity" means the same as that term is defined in Section 63G-6a-103.

49 (8) "Public facility" means the same as that term is defined in Section 63G-6a-103.

50 (9)(a) "Qualifying employee" means a laborer, a workman, or a mechanic employed
51 directly upon the site of a construction project by a contractor, a subcontractor, or a
52 public entity.

53 (b) "Qualifying employee" does not include:

54 (i) an employee whose work includes only the transportation of materials or
55 equipment to or from the site of a construction project; or

56 (ii) a prisoner employed through the penal system.

57 (10) "Wage determination guide" means the Wage and Hour Division Davis-Bacon Wage
58 Determination Conformance Request Guide, as provided by the United States
59 Department of Labor.

60 Section 2. Section **34-58-102** is enacted to read:

61 **34-58-102 . Commission to maintain list of prevailing wages.**

62 (1) Subject to Subsection (2), the commission shall:

63 (a) determine the prevailing wage in each county of the state for each occupation

- 64 employed by a construction project in the county;
65 (b) maintain a list of the determined prevailing wage by occupation and by county; and
66 (c) publish the list described in Subsection (1)(b).
67 (2) The prevailing wage for an occupation in a county within the state shall be the greater of
68 the wage determination provided by the commission or the wage determination guide for
69 the occupation in the county.
70 (3) The commission:
71 (a) may review the prevailing wage at any time; and
72 (b) shall review the prevailing wage:
73 (i) at least once per year; and
74 (ii) within 60 days after the day on which there is a change to a wage determination
75 guide made by the United States Department of Labor.

76 Section 3. Section **34-58-103** is enacted to read:

77 **34-58-103 . Qualifying employees to be paid prevailing wage.**

- 78 (1) Except as provided by Subsection (2), a contractor shall pay a qualifying employee at
79 least the prevailing wage published by the commission for the qualifying employee's
80 occupation in the county where the work is performed.
81 (2)(a) Subject to Subsection (2)(b), a contractor shall pay a qualifying employee who is
82 registered in a training or apprenticeship program, approved by the United States
83 Department of Labor Office, in accordance with the respective training or
84 apprenticeship program pay guidelines provided by the United States Department of
85 Labor.
86 (b) A contractor may not pay a qualifying employee described in Subsection (1) a wage
87 that is less than 60% of the prevailing wage described in Subsection (1).
88 (3) A procurement unit shall include in the invitation to bid required under Section
89 63G-6a-603 the prevailing wage for each occupation required for the construction
90 project in the county where the construction site is located.

91 Section 4. Section **34-58-104** is enacted to read:

92 **34-58-104 . Recordkeeping -- Reporting requirement.**

- 93 (1) A contractor shall keep payroll records of qualifying employees showing each
94 employee's name, occupation, hours worked, and wage paid.
95 (2) A contractor shall maintain the records described in Subsection (1) for at least three
96 years after the completion of the contract.

97 Section 5. Section **34-58-105** is enacted to read:

98 **34-58-105 . Civil penalties.**

- 99 (1) In addition to the criminal penalties described in Section 34-58-106, a qualifying
 100 employee may bring a civil action against a contractor to enforce the provisions of this
 101 chapter.
- 102 (2)(a) An aggrieved qualifying employee may seek injunctive relief against the
 103 contractor and may recover the difference between the wage paid and the prevailing
 104 wage at the time of employment, plus interest.
- 105 (b) The court may award court costs and attorney fees to the prevailing party.
- 106 (3) If a qualifying employee brings an action against the contractor under this section, the
 107 qualifying employee shall bring the action against the contractor within two years after
 108 the day of the completion of the contract for the construction project.

109 Section 6. Section **34-58-106** is enacted to read:

110 **34-58-106 . Criminal penalties -- Enforcement.**

- 111 (1) A violation of Section 34-58-103 is a class B misdemeanor.
- 112 (2) If a contractor violates Section 34-58-103 the commission may refer the criminal action
 113 to a prosecution agency as defined in Section 78B-9-502.
- 114 (3) The prosecution agency is responsible for prosecuting violations of this section.
- 115 (4) In addition to any other penalty, a court may impose against a contractor who is guilty
 116 of violating Section 34-58-103, a fine equal to the difference between the wage paid to a
 117 qualifying employee and the prevailing wage at the time of employment.

118 Section 7. Section **63G-6a-603** is amended to read:

119 **63G-6a-603 . Invitation for bids -- Requirements -- Publication -- Prevailing wage.**

- 120 (1) A procurement unit that intends to award a contract for a procurement item using the
 121 bidding process shall issue an invitation for bids.
- 122 (2) A procurement unit shall include in an invitation for bids:
- 123 (a) a description of the procurement item that the procurement unit seeks;
- 124 (b) instructions for submitting a bid, including the deadline for submitting a bid;
- 125 (c) the objective criteria that the procurement unit will use to evaluate bids;
- 126 (d) information about the time and manner of opening bids; and
- 127 (e) terms and conditions that the procurement unit intends to include in a contract
 128 resulting from the bidding process.
- 129 (3) A procurement unit shall publish an invitation for bids in accordance with the
 130 requirements of Section 63G-6a-112.
- 131 (4) A procurement unit shall include in an invitation for bid for a construction project:

- 132 (a) the prevailing wage for each occupation required for the construction project in the
- 133 county where the construction site is located; and
- 134 (b) notice that the procurement contract shall include provisions that require:
- 135 (i) a contractor to pay a qualifying employee at least the wage described in Section
- 136 34-58-103; and
- 137 (ii) the contractor to verify that the contractor's bond is in compliance with Title 14,
- 138 Contractors' Bonds.
- 139 Section 8. **Effective Date.**
- 140 This bill takes effect on May 7, 2025.