

# House Bill 2021

Sponsored by Representative SCHAUFLEER (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes public agency liable for workers' unpaid wages, fringe benefits and liquidated damages when public agency fails to include certain information about prevailing rates of wage in specifications for public works contract.

## A BILL FOR AN ACT

1  
2 Relating to prevailing rates of wage; creating new provisions; and amending ORS 279C.855.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 279C.855 is amended to read:

5 279C.855. (1) Any contractor or subcontractor or contractor's or subcontractor's surety that vi-  
6 olates the provisions of ORS 279C.840 is liable to the workers affected in the amount of their unpaid  
7 minimum wages, including all fringe benefits [*as defined in ORS 279C.800*], and in an additional  
8 amount equal to the unpaid wages as liquidated damages.

9 (2) Actions to enforce liability to workers under subsection (1) of this section may be brought  
10 as actions on contractors' bonds as provided for in ORS 279C.610.

11 (3) If [*the*] a public agency fails to include a provision that the contractor and any subcontractor  
12 shall comply with ORS 279C.840 in the advertisement for bids, the request for bids, the contract  
13 specifications, the accepted bid or elsewhere in the contract documents, the liability of the public  
14 agency for unpaid minimum wages, as described in subsection (1) of this section, is joint and several  
15 with any contractor or subcontractor that had notice of the requirement to comply with ORS  
16 279C.840.

17 (4) **If a public agency fails to include the state and federal prevailing rates of wage in the**  
18 **specifications for a contract for public works when required under ORS 279C.830 (1)(a), or**  
19 **fails to include in the specifications information showing which prevailing rate of wage is**  
20 **higher for workers in each trade or occupation in each locality when required under ORS**  
21 **279C.830 (1)(b), the public agency is liable to the workers affected in the amount of their**  
22 **unpaid minimum wages, including all fringe benefits, and in an additional amount equal to**  
23 **the unpaid wages as liquidated damages.**

24 (5) The Commissioner of the Bureau of Labor and Industries may enforce the provisions of [*this*  
25 *subsection*] **subsections (3) and (4) of this section** by a civil action under ORS 279C.850 (4), by a  
26 civil action on an assigned wage claim under ORS 652.330, or by an administrative proceeding on  
27 an assigned wage claim under ORS 652.332.

28 **SECTION 2.** **The amendments to ORS 279C.855 by section 1 of this 2007 Act apply only**  
29 **to public contracts for public works first advertised or solicited on or after the effective date**  
30 **of this 2007 Act.**

31  

---

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.