



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1054

Introduced 1/9/2025, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

820 ILCS 130/5

from Ch. 48, par. 39s-5

Amends the Prevailing Wage Act. Provides that any contractor or subcontractor and any officer, employee, or agent of the contractor or subcontractor whose duty it is to file a certified payroll who willfully fails to file the certified payroll on or before the date the certified payroll is required to be filed and any person who willfully files a false certified payroll that is false as to any material fact is in violation of the Act and, in addition to being subject to penalties under the Act, is guilty of a Class A misdemeanor (currently, is in violation of the Act and guilty of a Class A misdemeanor). Makes a conforming change.

LRB104 03164 SPS 13185 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Section 5 as follows:

6 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

7 Sec. 5. Certified payroll.

8 (a) Any contractor and each subcontractor who participates
9 in public works shall:

10 (1) make and keep, for a period of not less than 3
11 years from the date of the last payment made before
12 January 1, 2014 (the effective date of Public Act 98-328)
13 and for a period of 5 years from the date of the last
14 payment made on or after January 1, 2014 (the effective
15 date of Public Act 98-328) on a contract or subcontract
16 for public works, records of all laborers, mechanics, and
17 other workers employed by them on the project; the records
18 shall include (i) the worker's name, (ii) the worker's
19 address, (iii) the worker's telephone number when
20 available, (iv) the last 4 digits of the worker's social
21 security number, (v) the worker's gender, (vi) the
22 worker's race, (vii) the worker's ethnicity, (viii)
23 veteran status, (ix) the worker's classification or

1 classifications, (x) the worker's skill level, such as
2 apprentice or journeyman, (xi) the worker's gross and net
3 wages paid in each pay period, (xii) the worker's number
4 of hours worked each day, (xiii) the worker's starting and
5 ending times of work each day, (xiv) the worker's hourly
6 wage rate, (xv) the worker's hourly overtime wage rate,
7 (xvi) the worker's hourly fringe benefit rates, (xvii) the
8 name and address of each fringe benefit fund, (xviii) the
9 plan sponsor of each fringe benefit, if applicable, and
10 (xix) the plan administrator of each fringe benefit, if
11 applicable; and

12 (2) no later than the 15th day of each calendar month
13 file a certified payroll for the immediately preceding
14 month with the public body in charge of the project until
15 the Department of Labor activates the database created
16 under Section 5.1 at which time certified payroll shall
17 only be submitted to that database, except for projects
18 done by State agencies that opt to have contractors submit
19 certified payrolls directly to that State agency. A State
20 agency that opts to directly receive certified payrolls
21 must submit the required information in a specified
22 electronic format to the Department of Labor no later than
23 10 days after the certified payroll was filed with the
24 State agency. A certified payroll must be filed for only
25 those calendar months during which construction on a
26 public works project has occurred. The certified payroll

1 shall consist of a complete copy of the records identified
2 in paragraph (1) of this subsection (a), but may exclude
3 the starting and ending times of work each day. The
4 certified payroll shall be accompanied by a statement
5 signed by the contractor or subcontractor or an officer,
6 employee, or agent of the contractor or subcontractor
7 which avers that: (i) he or she has examined the certified
8 payroll records required to be submitted by the Act and
9 such records are true and accurate; (ii) the hourly rate
10 paid to each worker is not less than the general
11 prevailing rate of hourly wages required by this Act; and
12 (iii) the contractor or subcontractor is aware that filing
13 a certified payroll that he or she knows to be false is in
14 violation of this Act and, in addition to being subject to
15 penalties under this Act, is guilty a Class A misdemeanor.
16 A general contractor is not prohibited from relying on the
17 certification of a lower tier subcontractor, provided the
18 general contractor does not knowingly rely upon a
19 subcontractor's false certification. Any contractor or
20 subcontractor subject to this Act and any officer,
21 employee, or agent of such contractor or subcontractor
22 whose duty as such officer, employee, or agent it is to
23 file such certified payroll who willfully fails to file
24 such a certified payroll on or before the date such
25 certified payroll is required by this paragraph to be
26 filed and any person who willfully files a false certified

1 payroll that is false as to any material fact is in
2 violation of this Act and, in addition to being subject to
3 penalties under this Act, is guilty of a Class A
4 misdemeanor. The public body in charge of the project
5 shall keep the records submitted in accordance with this
6 paragraph (2) of subsection (a) before January 1, 2014
7 (the effective date of Public Act 98-328) for a period of
8 not less than 3 years, and the records submitted in
9 accordance with this paragraph (2) of subsection (a) on or
10 after January 1, 2014 (the effective date of Public Act
11 98-328) for a period of 5 years, from the date of the last
12 payment for work on a contract or subcontract for public
13 works or until the Department of Labor activates the
14 database created under Section 5.1, whichever is less.
15 After the activation of the database created under Section
16 5.1, the Department of Labor rather than the public body
17 in charge of the project shall keep the records and
18 maintain the database. The records submitted in accordance
19 with this paragraph (2) of subsection (a) shall be
20 considered public records, except an employee's address,
21 telephone number, social security number, race, ethnicity,
22 and gender, and made available in accordance with the
23 Freedom of Information Act. The public body shall accept
24 any reasonable submissions by the contractor that meet the
25 requirements of this Section.
26 A contractor, subcontractor, or public body may retain

1 records required under this Section in paper or electronic
2 format.

3 (b) Upon 7 business days' notice, the contractor and each
4 subcontractor shall make available for inspection and copying
5 at a location within this State during reasonable hours, the
6 records identified in paragraph (1) of subsection (a) of this
7 Section to the public body in charge of the project, its
8 officers and agents, the Director of Labor and his deputies
9 and agents, and to federal, State, or local law enforcement
10 agencies and prosecutors.

11 (c) A contractor or subcontractor who remits contributions
12 to fringe benefit funds that are jointly maintained and
13 jointly governed by one or more employers and one or more labor
14 organizations in accordance with the federal Labor Management
15 Relations Act shall make and keep certified payroll records
16 that include the information required under items (i) through
17 (viii) of paragraph (1) of subsection (a) only. However, the
18 information required under items (ix) through (xv) of
19 paragraph (1) of subsection (a) shall be required for any
20 contractor or subcontractor who remits contributions to a
21 fringe benefit fund that is not jointly maintained and jointly
22 governed by one or more employers and one or more labor
23 organizations in accordance with the federal Labor Management
24 Relations Act.

25 (Source: P.A. 100-1177, eff. 6-1-19; 101-31, eff. 6-28-19.)