

JAN 16 2014

A BILL FOR AN ACT

RELATING TO WAGES AND HOURS ON PUBLIC WORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 104-24, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Where the department finds that a third violation of
4 this chapter has been committed, whether on the same contract or
5 another, within two years of the second notification of
6 violation, the department, after proper notice and opportunity
7 for hearing, shall order the person or firm in violation:

8 (1) To pay a penalty equal to two times the amount of back
9 wages found due or \$200 for each offense, whichever is
10 greater; and

11 (2) To be suspended from doing any new work on any public
12 work of a governmental contracting agency for a period
13 of [~~three~~] five years except as provided in section
14 104-25(a)(2). "New work on any public work" includes
15 any public works project in which the suspended person
16 or firm has not begun work at the job site as of the
17 date of the suspension order. The suspension shall be
18 effective on the twenty-first day after the sending of



1 the notification or violation or when a decision has
2 been issued pursuant to section 104-23(c), whichever
3 occurs later."

4 SECTION 2. Section 104-25, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) The director shall suspend a person or firm as
7 follows:

8 (1) For a first or second violation, if a person or firm
9 fails to pay wages found due, any penalty assessed, or
10 both, the person or firm shall be immediately
11 suspended from doing any work on any public work of a
12 governmental contracting agency until all wages and
13 penalties are paid in full;

14 (2) For a third violation, the suspension shall be as
15 prescribed in section 104-24(c); provided that, if the
16 person or firm continues to violate this chapter or
17 fails to pay wages found due or any penalty assessed,
18 or both, then the contractor shall immediately be
19 suspended from doing any work on any public work of a
20 governmental contracting agency for a mandatory
21 [~~three-year~~] five-year period. If after the [~~three-~~
22 ~~year~~] five-year suspension period the wages found due



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1 or penalties assessed are still unpaid, the suspension
2 shall remain in force until payment is made in full;
3 or

4 (3) For falsification of records, or for delay or
5 interference with an investigation pursuant to section
6 104-22, the contractor shall be immediately suspended
7 for a period of [~~three~~] five years."

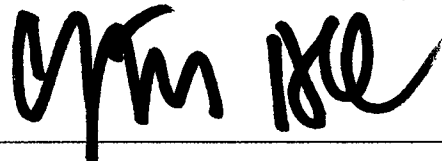
8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY: _____



S.B. NO. 2260

Report Title:

Public Works; Prevailing Wage; Penalties; Suspension

Description:

Extends the suspension period from three to five years for a third violation of a person or firm who fails to pay the prevailing wage under a public work contract.

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