
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1744 Session of
2021

INTRODUCED BY RYAN, FEE, KAUFFMAN, GREINER, STAMBAUGH, KEEFER,
R. MACKENZIE, METCALFE, COX, MOUL, GLEIM, M. MACKENZIE AND
B. MILLER, JULY 30, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JULY 30, 2021

AN ACT

1 Amending the act of August 15, 1961 (P.L.987, No.442), entitled
2 "An act relating to public works contracts; providing for
3 prevailing wages; imposing duties upon the Secretary of Labor
4 and Industry; providing remedies, penalties and repealing
5 existing laws," further providing for definitions.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2 of the act of August 15, 1961 (P.L.987,
9 No.442), known as the Pennsylvania Prevailing Wage Act, is
10 amended to read:

11 Section 2. Definitions.--As used in this act--

12 (1) "Department" means Department of Labor and Industry of
13 the Commonwealth of Pennsylvania.

14 (2) "Locality" means any political subdivision, or
15 combination of the same, within the county in which the public
16 work is to be performed. When no workmen for which a prevailing
17 minimum wage is to be determined hereunder are employed in the
18 locality, the locality may be extended to include adjoining
19 political subdivisions where such workmen are employed in those

1 crafts or trades for which there are no workmen employed in the
2 locality as otherwise herein defined.

3 (2.1) "Locally funded" means a project that is funded
4 entirely by funds:

5 (i) paid to counties under 75 Pa.C.S. § 9010(b) (relating to
6 disposition and use of tax), including borrowed funds under 75
7 Pa.C.S. § 9010(b) (2) (ii) whether expended by the county or
8 allocated or apportioned to political subdivisions;

9 (ii) allocated or apportioned to municipalities under the
10 act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
11 Liquid Fuels Tax Municipal Allocation Law;

12 (iii) allocated from municipal budgetary sources using
13 revenues derived through municipal taxes or fees; or

14 (iv) allocated to municipalities under 58 Pa.C.S. (relating
15 to oil and gas).

16 (3) "Maintenance work" means the repair of existing
17 facilities when the size, type or extent of such facilities is
18 not thereby changed or increased. The term includes the
19 following actions taken on locally funded road projects:

20 (i) Replacement in kind with current Department of
21 Transportation design criteria and standards of guide rails,
22 curbs, sidewalks, pipes, walkways, painted lines and other
23 related road equipment.

24 (ii) Repair of pavement surface by:

25 (A) laying material up to three and one-half inches thick or
26 up to four hundred twenty pounds per square yard on asphalt
27 pavement, cement concrete or other hard surface, including
28 associated milling, and related work raising existing paved
29 shoulders to new grade; or

30 (B) patching of cement concrete surface to include joint

1 spalling and repair work.

2 (iii) Widening of existing alignment which does not result
3 in additional lanes or new shoulders.

4 (iv) Bridge painting except when combined with bridge
5 rehabilitation, bridge cleaning, bridge washing, bridge
6 resurfacing with blacktop or minor nonstructural improvements or
7 repairs.

8 (4) "Public body" means the Commonwealth of Pennsylvania,
9 any of its political subdivisions, any authority created by the
10 General Assembly of the Commonwealth of Pennsylvania and any
11 instrumentality or agency of the Commonwealth of Pennsylvania.

12 (5) "Public work" means construction, reconstruction,
13 demolition, alteration and/or repair work other than maintenance
14 work, done under contract and paid for in whole or in part out
15 of the funds of a public body where the estimated cost of the
16 total project is in excess of twenty-five thousand dollars
17 (\$25,000), but shall not include work performed under a
18 rehabilitation or manpower training program. When applied to
19 locally funded road projects, the term includes projects that
20 utilize a combination of maintenance, rehabilitation and
21 reconstruction on existing alignment in which nonmaintenance
22 items exceed fifteen percent (15%) of the total project cost.

23 (6) "Secretary" means the Secretary of Labor and Industry or
24 his duly authorized deputy or representative.

25 (7) "Workman" includes laborer, mechanic, skilled and semi-
26 skilled laborer and apprentices employed by any contractor or
27 subcontractor and engaged in the performance of services
28 directly upon the public work project, regardless of whether
29 their work becomes a component part thereof, but does not
30 include material suppliers or their employes who do not perform

1 services at the job site.

2 (8) "Work performed under a rehabilitation program," means
3 work arranged by and at a State institution primarily for
4 teaching and upgrading the skills and employment opportunities
5 of the inmates of such institutions.

6 (9) "Advisory Board" means the board created by section 2.1
7 of this act.

8 (10) "Appeals Board" means the board created by section 2.2
9 of this act.

10 Section 2. This act shall apply to contracts entered into on
11 or after the effective date of this act.

12 Section 3. This act shall take effect in 60 days.