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Construction One-Minute Read: Illinois Fails to Make General Contractors Responsible for All Wages on Private Projects

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The big legislative news in Illinois this spring concerned the passage of a law [permitting marijuana for recreational use](#), beginning January 1, 2020. This development overshadowed other news affecting the construction industry—most notably, a failed attempt to make general contractors on every private project responsible for all unpaid wages to all workers.

The Illinois General Assembly, through [House Bill \(HB\) 2838](#), sought to amend the Wage Payment and Collection Act to make prime contractors liable for “any debt owed to a wage claimant or third party on the wage claimant’s behalf, incurred by a subcontractor at any tier acting under, by, or for the direct contractor for the wage claimant’s performance of labor included in the subject of the contract between the direct contractor and the owner,” as well as attorneys’ fees incurred by the prevailing claimant. The amendment extended to wages, fringe benefits, and other contributions but not to penalties or liquidated damages. Needless to say, this bill, had it become law, would have placed a heavy additional risk onto general contractors and construction managers at-risk, likely increasing the cost of construction across the state.

The Illinois House of Representatives passed HB 2838, but the Illinois Senate decided not to pursue the bill in the spring session. However, reports from industry professionals involved in the legislative process suggest that this effort may reemerge during the next legislative session.

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