

for the former word "judicial", since under the State Constitution "judicial" authority is only exercised by the courts.

Subsection (i)(2) of this section is revised as a duty. Former SF § 12-307(d) referred to "the authority" to determine restitution and damages, as part of the rulemaking power. Although the regulations may set parameters, the determination must be made for individual cases.

Defined terms: "Apprentice" § 17-201  
 "Commissioner" § 17-201 "Employee" § 17-201  
 "Person" § 11-101 "Prevailing wage rate" § 17-201  
 "Public body" § 17-201 "Public work" § 17-201  
 "Public work contract" § 17-201

17-222. LIABILITY FOR FAILURE TO PAY PREVAILING WAGE RATE.

(A) LIQUIDATED DAMAGES.

A CONTRACTOR UNDER A PUBLIC WORK CONTRACT IS LIABLE TO THE PUBLIC BODY FOR LIQUIDATED DAMAGES OF \$10 A DAY FOR EACH LABORER OR OTHER EMPLOYEE FOR EACH DAY FOR WHICH:

(1) THE LABORER IS PAID LESS THAN THE PREVAILING WAGE RATE OF A MECHANIC WHILE PERFORMING A TASK REQUIRED TO BE PERFORMED BY A MECHANIC OR MECHANIC'S APPRENTICE; OR

(2) AN THE EMPLOYEE IS PAID LESS THAN THE PREVAILING WAGE RATE; OR.

~~(2) A LABORER IS PAID LESS THAN THE PREVAILING WAGE RATE OF A MECHANIC WHILE PERFORMING A TASK REQUIRED TO BE PERFORMED BY A MECHANIC OR MECHANIC'S APPRENTICE.~~

(B) RESTITUTION.

IF A CONTRACTOR OR SUBCONTRACTOR PAYS AN EMPLOYEE LESS THAN THE AMOUNT THE EMPLOYEE IS ENTITLED TO RECEIVE FOR THE WORK PERFORMED, THE CONTRACTOR OR SUBCONTRACTOR SHALL MAKE RESTITUTION TO THE EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former SF § 12-302(b) and the second clause of the first sentence of (d).

The second sentence of former § 12-302(b), which stated that "[e]ach day's violation constitutes a separate offense" and the second sentence of former § 12-302(d), which made a similar statement, are deleted