

**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules**

PROPOSED AMENDMENT

8 CSR 30-3.040 Classifications of Construction Work. The division proposes to amend sections (1), (2), and (3).

PURPOSE: This amendment serves to reduce unnecessary restrictive language as well as eliminate outdated and redundant requirements.

(1) All public works construction, for which the prevailing hourly rate of wages of workers are to be determined, *[shall]* **will** be classified as either—

- (A) Building construction; or
- (B) Highway and heavy construction.

(2) Building construction *[shall]* means the following:

(A) Building structures, including modification, additions or repairs, or both, to be used for shelter, protection, comfort, convenience, entertainment or recreation, or for protection of people or equipment;

(B) Buildings at an airport project, such as terminal buildings, freight buildings and any other construction necessary for the operation of the airport facilities;

(C) Stadiums, athletic fields, dressing rooms, bleachers and all other buildings needed in connection with an athletic or entertainment facility;

(D) Entire buildings that are built above-ground in connection with highway, subway or tunnel projects, such as tool stations or housing for mechanical equipment;

(E) Excavation for the building itself, including backfilling inside and outside the building;

(F) Storm and sanitary sewers inside the building and to the *[curb]* **property** line;

(G) Work in connection with telephone, electrical, water, oil, gas or fuel lines, or other utility or communication lines inside a building and to the *[curb]* **property** line;

(H) Sidewalks other than those that are poured in connection with a street or road project;

(I) Driveways that are built to serve a building;

(J) Parking lots connected to a building and all structures built as parking facilities;

(K) Retaining walls built in conjunction with a building project;

(L) Demolition of a building(s) as part of the site preparation for new building construction;

(M) Landscaping of building sites or the planting of all shrubbery that is incidental to building construction as defined in section (2); and

(N) Work on water and wastewater treatment plants within the *[fence]* **property** line.

(3) Highway and heavy construction *[shall]* means the following:

(A) Work in connection with roads, streets, parkways, alleys and highways including, but not limited to, grading, paving, curbing, signs, fences, guard rails, bridges, lighting, retaining walls and landscaping;

(B) Work on viaducts, overpasses, underpasses, drainage projects, aqueducts, irrigation

projects, flood control projects, reclamation projects, reservoir filtration and supply projects, water power, duct lines, distribution lines, pipe lines, locks, dikes, levees, revetments projects, excluding work specifically defined as building construction;

(C) Work in connection with underground construction on tunnels and shafts;

(D) Railroad work in its entirety, including elevated railroads;

(E) Main and side sewers;

(F) Work in connection with airports, such as runways, roads and streets, but excluding that which is listed as building construction;

(G) Work in connection with telephone, electrical, water, oil, gas or fuel lines, or any other utility or communication lines from the *[curb]* **property** line;

(H) Sidewalks when poured incidental to a street or road project;

(I) Parking lots not incidental to a building construction project; and

(J) Demolition of all buildings as part of site preparation for any highway and heavy construction as is otherwise defined in section (3).

*AUTHORITY: section 290.240, RSMo [1994] 2016. Original rule filed Aug. 24, 1990, effective April 29, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 19, 2018.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Labor Standards, Attn: Matt Cowell, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*