



SPONSOR: Sen. Townsend & Sen. Walsh & Rep. Osienski &  
Rep. K. Williams

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 307

AN ACT TO AMEND TITLE 19 AND TITLE 29 RELATING TO PREVAILING WAGE AND CUSTOM FABRICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3602, Title 19 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows and by redesignating accordingly:

3 ~~§ 3602. Definitions~~ § 3602. Definitions.

4 For purposes of this chapter:

5 ~~(3) "Custom fabrication" means the fabrication of plumbing, heating, cooling, ventilation, or exhaust duct systems~~  
6 ~~and mechanical insulation.~~

7 (11) "Worker" means a laborer, mechanic, skilled, or semi-skilled laborer and apprentices or helpers employed by  
8 any contractor or subcontractor and engaged in the performance of construction services or maintenance in the State,  
9 regardless of whether the work becomes a component part of the construction or maintenance. "Worker" does not mean a  
10 material supplier or employees of a material supplier. A contractor or subcontractor engaged in ~~custom fabrication~~ the  
11 fabrication of plumbing, heating, cooling, ventilation, or exhaust duct systems and mechanical insulation is not a material  
12 supplier for purposes of this section.

13 Section 2. Amend § 6902, Title 29 of the Delaware Code by making deletions as shown by strike through and  
14 insertions as shown by underline as follows and by redesignating accordingly:

15 § 6902. Definitions [For application of this section, see 82 Del. Laws, c. 36, § 3].

16 For purposes of this chapter:

17 (8) "Custom fabrication" means the offsite fabrication, assembly, or other production of nonstandard goods or  
18 materials, including components, ~~fixtures~~ fixtures, or parts thereof, specifically for a public works project. Such goods and  
19 materials shall include those used in only the following trades or systems:

20 a. Plumbing or pipe fitting systems, including heating, ventilating, air-conditioning, refrigeration systems,  
21 sheet metal or other duct systems.

22 b. Electrical systems.

- 23 c. Mechanical insulation work.
- 24 d. Ornamental iron work.
- 25 e. Commercial signage that does not attempt or appear to direct the movement of traffic on highways or
- 26 roadways or interfere with, imitate, or resemble any official traffic sign, signal or device.
- 27 () “Non-standard goods or materials” means goods or materials manufactured or pre-fabricated to specifications
- 28 for a particular project or for one or a limited number of customers.
- 29 Section 3. This Act takes effect on January 1, 2025.

#### SYNOPSIS

This Act clarifies the meaning of custom fabrication as first defined in Senate Substitute 1 for Senate Bill No. 102 in the 152nd General Assembly. That substitute bill modified the relationship between custom fabrication and the prevailing wage.

The Act also removes custom fabrication as a term in Title 19 to avoid confusion of the term being defined differently in two different titles.

This Act becomes effective January 1, 2025.

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