

FINAL BILL REPORT

SHB 1671

C 107 L 99

Synopsis as Enacted

Brief Description: Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts.

Sponsors: By House Committee on Judiciary (Originally sponsored by Representatives Constantine, Radcliff, Kessler, Mastin, Sullivan, Grant, G. Chandler, Reardon, Lisk, Esser, Alexander, McMorris and Mitchell).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

In a civil action for damages of not more than \$10,000, certain procedures apply when a party makes an offer of settlement prior to trial. If the case goes to trial after an offer of settlement has been made, the "prevailing party" is awarded reasonable attorney fees and costs.

The prevailing party is determined by who bettered his or her position at trial when compared to the offer of settlement. The plaintiff is the prevailing party if he or she is awarded damages that at least equal the amount the plaintiff offered in settlement. The defendant is the prevailing party if the amount awarded is zero, or is not more than the defendant's offer of settlement.

Under a separate statute, disputes over public works contracts are made subject to the offer of settlement provision if the amount in dispute does not exceed \$250,000.

Summary:

All public works contract disputes are subject to the offer-of-settlement and prevailing party attorney fees law. The \$250,000 limit is removed.

Votes on Final Passage:

House 97 0
Senate 47 0

Effective: July 25, 1999