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ESB 6407 - H AMD TO CL COMM AMD (6407.E AMH CL CORD5) **0321**
ADOPTED 03/05/92

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By Representatives Heavey and Fuhrman

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On page 1, beginning on line 5 of the committee amendment, strike all material through "arbitration." on line 22 and insert the following:

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"NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW to read as follows:

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(1) The provisions of RCW 4.84.250 through 4.84.280 shall apply to an action arising out of a public works contract in which the state or a municipality, or other public body that contracts for public works, is a party, except that: (a) The maximum amount of the pleading shall be two hundred fifty thousand dollars; and (b) in applying RCW 4.84.280, the time period for serving offers of settlement on the adverse party shall be the period not less than thirty days and not more than one hundred twenty days after completion of the service and filing of the summons and complaint.

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(2) The rights provided for under this section may not be waived by the parties to a public works contract that is entered into on or after the effective date of this act, and a provision in such a contract that provides for waiver of these rights is void as against public policy. However, this subsection shall not be construed as prohibiting the parties from mutually agreeing to a clause in a public works contract that requires submission of a

1 dispute arising under the contract to arbitration."

EFFECT: Makes two changes in the committee striking amendment: (1) requires offers of settlement to be served within 120 days of serving the complaint in the law suit, instead of at least 120 days before trial; and (2) deletes language that would have permitted the parties to mutually agree to arbitration only after a dispute arises, and substitutes new language that permits the parties to mutually agree to a contract clause requiring arbitration of disputes.