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SENATE BILL 6407

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State of Washington                      52nd Legislature                      1992 Regular Session

By Senators Madsen, Anderson, Matson and Vognild

Read first time 01/29/92. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to public works construction contracts; and adding  
2 a new section to chapter 39.04 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6            (1) In an action arising out of a construction contract with a  
7 public owner, the court shall award to the prevailing party reasonable  
8 attorneys' fees, costs, and interest in connection with the action.

9            (2) As used in this section, "costs" means reasonable and necessary  
10 expenses incurred in the prosecution or defense of an action.

11            (3) As used in this section, "public owner" means the state of  
12 Washington, or a municipality, or other public body that contracts for  
13 public improvements or work.

1           (4) As used in this section, "prevailing party" means the party in  
2 whose favor final judgment is rendered.

3           (5) The rights provided for under this section are not subject to  
4 waiver by the parties to a contract that is entered into after the  
5 effective date of this act. A provision in such a contract or lease  
6 that provides for a waiver of attorneys' fees, costs, or interest is  
7 void as against public policy.