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5 On page 6, after line 7, insert the following:

6 "Sec. 11. RCW 64.34.304 and 1990 c 166 s 3 are each amended to
7 read as follows:

8 (1) Except as provided in subsection (2) of this section, and
9 subject to the provisions of the declaration, the association may:

10 (a) Adopt and amend bylaws, rules, and regulations;

11 (b) Adopt and amend budgets for revenues, expenditures, and
12 reserves, and impose and collect assessments for common expenses from
13 unit owners;

14 (c) Hire and discharge or contract with managing agents and other
15 employees, agents, and independent contractors;

16 (d) Institute, defend, or intervene in litigation or administrative
17 proceedings in its own name on behalf of itself or two or more unit
18 owners on matters affecting the condominium;

19 (e) Make contracts and incur liabilities;

20 (f) Regulate the use, maintenance, repair, replacement, and
21 modification of common elements;

22 (g) Cause additional improvements to be made as a part of the
23 common elements;

24 (h) Acquire, hold, encumber, and convey in its own name any right,
25 title, or interest to real or personal property, but common elements
26 may be conveyed or subjected to a security interest only pursuant to
27 RCW 64.34.348;

28 (i) Grant easements, leases, licenses, and concessions through or
29 over the common elements and petition for or consent to the vacation of
30 streets and alleys;

31 (j) Impose and collect any payments, fees, or charges for the use,
32 rental, or operation of the common elements, other than limited common
33 elements described in RCW 64.34.204 (2) and (4), and for services
34 provided to unit owners;

35 (k) Impose and collect charges for late payment of assessments
36 pursuant to RCW 64.34.364(~~(+10)~~)(13) and, after notice and an

1 opportunity to be heard by the board of directors or by such
2 representative designated by the board of directors and in accordance
3 with such procedures as provided in the declaration or bylaws or rules
4 and regulations adopted by the board of directors, levy reasonable
5 fines in accordance with a previously established schedule thereof
6 adopted by the board of directors and furnished to the owners for
7 violations of the declaration, bylaws, and rules and regulations of the
8 association;

9 (l) Impose and collect reasonable charges for the preparation and
10 recording of amendments to the declaration, resale certificates
11 required by RCW 64.34.425, and statements of unpaid assessments;

12 (m) Provide for the indemnification of its officers and board of
13 directors and maintain directors' and officers' liability insurance;

14 (n) Assign its right to future income, including the right to
15 receive common expense assessments, but only to the extent the
16 declaration provides;

17 (o) Join in a petition for the establishment of a parking and
18 business improvement area, participate in the rate payers' board or
19 other advisory body set up by the legislative authority for operation
20 of a parking and business improvement area, and pay special assessments
21 levied by the legislative authority on a parking and business
22 improvement area encompassing the condominium property for activities
23 and projects which benefit the condominium directly or indirectly;

24 (p) Exercise any other powers conferred by the declaration or
25 bylaws;

26 (~~(p)~~) (q) Exercise all other powers that may be exercised in this
27 state by the same type of corporation as the association; and

28 (~~(q)~~) (r) Exercise any other powers necessary and proper for the
29 governance and operation of the association.

30 (2) The declaration may not impose limitations on the power of the
31 association to deal with the declarant which are more restrictive than
32 the limitations imposed on the power of the association to deal with
33 other persons.

34 **Sec. 12.** RCW 64.34.010 and 1992 c 220 s 1 are each amended to read
35 as follows:

36 (1) This chapter applies to all condominiums created within this
37 state after July 1, 1990. RCW 64.34.040 (separate titles and
38 taxation), RCW 64.34.050 (applicability of local ordinances,

1 regulations, and building codes), RCW 64.34.060 (condemnation), RCW
2 64.34.208 (construction and validity of declaration and bylaws), RCW
3 64.34.212 (description of units), RCW 64.34.304(1)(a) through (f) and
4 (k) through ~~((q))~~ (r) (powers of unit owners' association), RCW
5 64.34.308(1) (board of directors and officers), RCW 64.34.340 (voting
6 proxies), RCW 64.34.344 (tort and contract liability), RCW 64.34.354
7 (notification on sale of unit), RCW 64.34.360(3) (common expenses
8 assessments), RCW 64.34.364 (lien for assessments), RCW 64.34.372
9 (association records), RCW 64.34.425 (resales of units), RCW 64.34.455
10 (effect of violation on rights of action; attorney's fees), and RCW
11 64.34.020 (definitions) to the extent necessary in construing any of
12 those sections, apply to all condominiums created in this state before
13 July 1, 1990; but those sections apply only with respect to events and
14 circumstances occurring after July 1, 1990, and do not invalidate or
15 supersede existing, inconsistent provisions of the declaration, bylaws,
16 or survey maps or plans of those condominiums.

17 (2) The provisions of chapter 64.32 RCW do not apply to
18 condominiums created after July 1, 1990, and do not invalidate any
19 amendment to the declaration, bylaws, and survey maps and plans of any
20 condominium created before July 1, 1990, if the amendment would be
21 permitted by this chapter. The amendment must be adopted in conformity
22 with the procedures and requirements specified by those instruments and
23 by chapter 64.32 RCW. If the amendment grants to any person any
24 rights, powers, or privileges permitted by this chapter which are not
25 otherwise provided for in the declaration or chapter 64.32 RCW, all
26 correlative obligations, liabilities, and restrictions in this chapter
27 also apply to that person.

28 (3) This chapter does not apply to condominiums or units located
29 outside this state.

30 (4) RCW 64.34.400 (applicability~~waiver~~), RCW 64.34.405 (liability
31 for public offering statement requirements), RCW 64.34.410 (public
32 offering statement~~general provisions~~), RCW 64.34.415 (public offering
33 statement~~conversion condominiums~~), RCW 64.34.420 (purchaser's right to
34 cancel), RCW 64.34.430 (escrow of deposits), RCW 64.34.440 (conversion
35 condominiums~~notice~~~~tenants~~), and RCW 64.34.455 (effect of violations
36 on rights of action~~attorney's fees~~) apply with respect to all sales of
37 units pursuant to purchase agreements entered into after July 1, 1990,
38 in condominiums created before July 1, 1990, in which as of July 1,
39 1990, the declarant or an affiliate of the declarant owns or had the

1 right to create at least ten units constituting at least twenty percent
2 of the units in the condominium."

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