

Judiciary Committee

HB 1572

Title: *An act relating to voluntary cure of alleged construction defects.*

Brief Description: *Creating a right to cure construction defects.*

Sponsors: *Representatives Carrell, O'Brien, Esser and Lambert.*

Brief Summary of Bill

- *Provides a bar to any cause of action under the construction statute of repose until written notice of the alleged defect is given to the person involved in the construction.*
- *Provides a 30-day time period for a person to exercise a right to cure an alleged defect in a construction-related project.*
- *Provides that a declaration of intent to cure an alleged defect is a bar to all claims covered under the construction statute of repose for a reasonable period of time to perform substantial completion of the cure.*

Hearing Date: *2/20/01*

Staff: *Edie Adams (786-7180).*

Background:

Washington has a "statute of repose" relating to the construction of buildings and other improvements to real property. A statute of repose prevents lawsuits from being brought beyond some point. It is similar to a statute of limitations but operates differently. A statute of repose imposes a time period within which an action must accrue, whereas a statute of limitations places a time limit on when an action may be commenced once it has accrued.

The construction statute of repose prevents lawsuits from being brought beyond some point following the completion of a construction project. A suit against parties protected by the

statute is barred unless the right to bring the action accrues within six years after substantial completion of construction, or after termination of specified construction-related services, whichever is later.

The construction statute of repose applies to all claims involving the construction, alteration, or repair of any improvement upon real property, or performing or furnishing design, planning, surveying, architectural, construction, or engineering services. It also applies to the supervision of construction or administration of construction contracts for any construction, alteration, or repair of any improvement upon real property.

Summary of Bill:

A claim or cause of action against a person covered under the construction statute of repose relating to the construction of buildings and other real property improvements is barred until written notice of the alleged defect is served upon that person. The person has 30 days to decide whether or not to exercise a right to cure the alleged defect within a reasonable time.

The right to cure an alleged construction defect is voluntary and does not impose a duty to cure. A declaration of an intent to cure an alleged defect may not be construed as an admission of fault. The declaration is a bar to all claims or causes of action covered under the construction statute of repose for a reasonable period of time to perform substantial completion of the cure.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.