

**ESSB 5536** - H AMD TO H AMD (H-2753.3/03) **478**  
By Representative Romero

1 Beginning on page 15, line 32 of the amendment, strike all of  
2 section 8 and insert the following:

3 "Sec. 8. RCW 64.34.452 and 2002 c 323 s 11 are each amended to  
4 read as follows:

5 (1) A judicial proceeding for breach of any obligations arising  
6 under RCW 64.34.443 (~~(and)~~), 64.34.445, and 64.34.450 must be commenced  
7 within (~~four~~) six years after the cause of action accrues: PROVIDED,  
8 That the period for commencing an action for a breach accruing pursuant  
9 to subsection (2)(b) of this section shall not expire prior to one year  
10 after termination of the period of declarant control, if any, under RCW  
11 64.34.308(4). Such periods may not be reduced by either oral or  
12 written agreement, or through the use of contractual claims or notice  
13 procedures that require the filing or service of any claim or notice  
14 prior to the expiration of the period specified in this section.

15 (2) Subject to subsection (3) of this section, a cause of action or  
16 breach of warranty of quality, regardless of the purchaser's lack of  
17 knowledge of the breach, accrues:

18 (a) As to a unit, the date the purchaser to whom the warranty is  
19 first made enters into possession if a possessory interest was conveyed  
20 or the date of acceptance of the instrument of conveyance if a  
21 nonpossessory interest was conveyed; and

22 (b) As to each common element, at the latest of (i) the date the  
23 first unit in the condominium was conveyed to a bona fide purchaser,  
24 (ii) the date the common element was completed, or (iii) the date the  
25 common element was added to the condominium.

26 (3) If a warranty of quality explicitly extends to future  
27 performance or duration of any improvement or component of the  
28 condominium, the cause of action accrues at the time the breach is  
29 discovered or at the end of the period for which the warranty  
30 explicitly extends, whichever is earlier.

1           (4) If a written notice of claim is served under RCW 64.50.020  
2 within the time prescribed for the filing of an action under this  
3 chapter, the statutes of limitation in this chapter and any applicable  
4 statutes of repose for construction-related claims are tolled until  
5 sixty days after the period of time during which the filing of an  
6 action is barred under RCW 64.50.020."

--- END ---