
SENATE BILL 5936

State of Washington

59th Legislature

2005 Regular Session

By Senators Kastama, Rockefeller and Esser

Read first time 02/15/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to the preservation of claim rights of a
2 contractor, subcontractor, or supplier on construction contracts;
3 amending RCW 4.24.370 and 4.24.380; and adding a new section to chapter
4 4.24 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
7 to read as follows:

8 Any clause in a construction contract, as defined in RCW 4.24.370,
9 that purports to waive, release, or extinguish the claim rights of a
10 contractor, subcontractor, or supplier to damages or an equitable
11 adjustment based on failure to submit claim notice or claim-related
12 documentation in a specified time frame or form is enforceable to the
13 extent that the party failing to receive such notice or documentation
14 was prejudiced thereby.

15 **Sec. 2.** RCW 4.24.370 and 1979 ex.s. c 264 s 2 are each amended to
16 read as follows:

17 "Construction contract" for purposes of RCW 4.24.360 and section 1
18 of this act means any contract or agreement for the construction,

1 alteration, repair, addition to, subtraction from, improvement to, or
2 maintenance of, any building, highway, road, railroad, excavation, or
3 other structure, project, development, or improvement attached to real
4 estate, including moving and demolition in connection therewith.

5 **Sec. 3.** RCW 4.24.380 and 1979 ex.s. c 264 s 3 are each amended to
6 read as follows:

7 (1) The provisions of RCW 4.24.360 shall apply to contracts or
8 agreements entered into after September 1, 1979.

9 (2) The provisions of section 1 of this act shall apply to
10 contracts or agreements entered into on or after the effective date of
11 this act.

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