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HOUSE BILL 1765

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Lantz, Springer, Williams, Rodne and Moeller

Read first time 01/26/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to claims under a construction contract; amending  
2 RCW 4.24.370 and 4.24.380; and adding a new section to chapter 4.24  
3 RCW.

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

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

7            (1) Any clause in a construction contract that purports to waive,  
8 release, or extinguish the claim rights of a contractor, subcontractor,  
9 or supplier to damages or an equitable adjustment based on failure to  
10 submit claim notice or claim-related documentation in a specified time  
11 frame or form is waived to the extent that the contractor,  
12 subcontractor, or supplier shows by a preponderance of the evidence  
13 that:

14            (a) The party to whom the claim is being made had knowledge of and  
15 consented to the actions of the contractor, subcontractor, or supplier  
16 that are the basis of the claim; and

17            (b) The actions of the contractor, subcontractor, or supplier that  
18 are the basis of the claim benefited the party to whom the claim is  
19 being made.

1 (2) For purposes of this section, "construction contract" has the  
2 same meaning as the term is defined in RCW 4.24.370.

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

5 "Construction contract" for purposes of RCW 4.24.360 and section 1  
6 of this act means any contract or agreement for the construction,  
7 alteration, repair, addition to, subtraction from, improvement to, or  
8 maintenance of, any building, highway, road, railroad, excavation, or  
9 other structure, project, development, or improvement attached to real  
10 estate, including moving and demolition in connection therewith.

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

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

15 (2) Section 1 of this act applies to contracts or agreements  
16 entered into on or after the effective date of this act.

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