

SSB 5031 - H COMM AMD  
By Committee on Judiciary

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature enacts this act to overrule  
4 the Washington supreme court decision in *Vern J. Oja and Assoc. v.*  
5 *Washington Park Towers, Inc.*, 89 Wn.2d 72, 569 P.2d 1141 (1977), which  
6 held that claims for damage to real property resulting from  
7 construction activities on adjacent property do not accrue until the  
8 construction project on the adjacent property is complete.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.16 RCW  
10 to read as follows:

11 (1) Except as provided in subsection (2) of this section, actions  
12 for damage to real property resulting from construction, alteration, or  
13 repair on an adjacent property, whether alleging negligence, strict  
14 liability, trespass, or any other cause of action, must be commenced  
15 within three years after the property owner first discovered or  
16 reasonably should have discovered the damage.

17 (2) Actions for such damage that (a) is known or reasonably should  
18 have been known as of the effective date of this section and (b) is  
19 caused by a construction, alteration, or repair project that is not  
20 complete as of the effective date of this section must be commenced  
21 within three years of the effective date of this section.

22 (3) Nothing in this section may be construed as extending the  
23 period for bringing a claim beyond the periods provided in RCW  
24 4.16.300, 4.16.310, and 4.16.320."

25 Correct the title.

EFFECT: Retains the entirety of the underlying bill and adds a

provision regarding actions for damage that is (1) known or reasonably should have been known as of the effective date of this section and (2) caused by a construction, alteration, or repair project that is not complete as of the effective date of this section, specifying that any such action must be commenced within three years of the effective date of this section.

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