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SENATE BILL 5080

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State of Washington

65th Legislature

2017 Regular Session

By Senators Padden and Pedersen

Read first time 01/12/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to actions for damage to real property resulting  
2 from construction, alteration, or repair on adjacent property; adding  
3 a new section to chapter 4.16 RCW; and creating a new section.

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

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

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

13 (1) Except as provided in subsection (2) of this section, actions  
14 for damage to real property resulting from construction, alteration,  
15 or repair on an adjacent property, whether alleging negligence,  
16 strict liability, trespass, or any other cause of action, must be  
17 commenced within the earlier of the following periods:

18 (a) Within three years after the property owner first discovered  
19 or reasonably should have discovered the damage; or

1 (b) Within three years after completion of the construction,  
2 alteration, or repair.

3 (2) Actions for such damage that: (a) Is known or reasonably  
4 should have been known as of the effective date of this section; and  
5 (b) is caused by a construction, alteration, or repair project that  
6 is not complete as of the effective date of this section must be  
7 commenced within three years of the effective date of this section.

8 (3) Nothing in this section may be construed as extending the  
9 period for bringing a claim beyond the periods provided in RCW  
10 4.16.300, 4.16.310, and 4.16.320.

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