

---

SENATE BILL 5250

---

State of Washington

65th Legislature

2017 Regular Session

By Senators Keiser, Rivers, and Hasegawa

Read first time 01/18/17. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to amendments to bylaws of a condominium  
2 association; and amending RCW 64.34.324.

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

4 **Sec. 1.** RCW 64.34.324 and 2004 c 201 s 3 are each amended to  
5 read as follows:

6 (1) Unless provided for in the declaration, the bylaws of the  
7 association shall provide for:

8 (a) The number, qualifications, powers and duties, terms of  
9 office, and manner of electing and removing the board of directors  
10 and officers and filling vacancies;

11 (b) Election by the board of directors of such officers of the  
12 association as the bylaws specify;

13 (c) Which, if any, of its powers the board of directors or  
14 officers may delegate to other persons or to a managing agent;

15 (d) Which of its officers may prepare, execute, certify, and  
16 record amendments to the declaration on behalf of the association;

17 (e) Subject to subsection (4) of this section, the method of  
18 amending the bylaws; and

19 (f) A statement of the standard of care for officers and members  
20 of the board of directors imposed by RCW 64.34.308(1).

1 (2) Subject to the provisions of the declaration, the bylaws may  
2 provide for any other matters the association deems necessary and  
3 appropriate.

4 (3) In determining the qualifications of any officer or director  
5 of the association, notwithstanding the provision of RCW  
6 64.34.020(~~(+32+)~~) (42) the term "unit owner" in such context shall,  
7 unless the declaration or bylaws otherwise provide, be deemed to  
8 include any director, officer, partner in, or trustee of any person,  
9 who is, either alone or in conjunction with another person or  
10 persons, a unit owner. Any officer or director of the association who  
11 would not be eligible to serve as such if he or she were not a  
12 director, officer, partner in, or trustee of such a person shall be  
13 disqualified from continuing in office if he or she ceases to have  
14 any such affiliation with that person, or if that person would have  
15 been disqualified from continuing in such office as a natural person.

16 (4) If the affirmative vote of a minimum percentage of unit  
17 owners are required to amend the bylaws, the number of votes needed  
18 for passage may be determined by subtracting the number of unreturned  
19 ballots from the total number of unit owners and applying the minimum  
20 percentage to the resulting number if:

21 (a) The proposed amendment to the bylaws is to be voted upon at a  
22 properly convened meeting of the unit owners and notice of the  
23 meeting is accompanied by the text of each proposed amendment to be  
24 voted upon; and

25 (b) Any unit owner who fails to vote on the proposed amendment at  
26 a properly convened meeting is subsequently provided with at least  
27 three notices, sent by United States mail at least ten days apart,  
28 with an opportunity to vote by mail or, if authorized by the  
29 declarations or bylaws, electronic transmission. Such notices must  
30 include the text of each proposed amendment to be voted upon, a  
31 ballot for the purpose of casting the unit owner's vote, the time and  
32 date by which the ballot must be delivered to the association, and a  
33 statement that a unit owner's failure to return a ballot will result  
34 in the unit owner's vote being disregarded from the total number of  
35 unit owners.

--- END ---