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**SENATE BILL 5333**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Holy and Wilson, L.

AN ACT Relating to void and unenforceable clauses in construction contracts related to delays caused by the COVID-19 pandemic emergency proclamations; amending RCW 4.24.360; and declaring an emergency.

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

**Sec.**  RCW 4.24.360 and 1979 ex.s. c 264 s 1 are each amended to read as follows:

(1)(a) Any clause in a construction contract, as defined in RCW 4.24.370, which purports to waive, release, or extinguish the rights of a contractor, subcontractor, or supplier to damages or an equitable adjustment arising out of unreasonable delay in performance which delay is caused by the acts or omissions of the contractee or persons acting for the contractee is against public policy and is void and unenforceable.

(b) Any clause in a construction contract, as defined in RCW 4.24.370, which purports to waive, release, or extinguish the rights of a contractor, subcontractor, or supplier to damages or an equitable adjustment arising out of a delay in performance which delay is caused by the COVID-19 pandemic emergency proclamations is against public policy and is void and unenforceable.

(2) This section shall not be construed to void any provision in a construction contract, as defined in RCW 4.24.370, which ((~~(1)~~)) (a) requires notice of delays, ((~~(2)~~)) (b) provides for arbitration or other procedure for settlement, or ((~~(3)~~)) (c) provides for reasonable liquidated damages.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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