
SENATE BILL 5788

State of Washington 65th Legislature 2017 Regular Session

By Senators Brown, Padden, and Takko

Read first time 02/10/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to construction contracts; and adding a new
2 section to chapter 4.24 RCW.

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

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

6 (1) Any clause in a construction contract, as defined in RCW
7 4.24.370, which purports to waive, release, or extinguish the claim
8 rights of a contractor, subcontractor, or supplier to damages or an
9 equitable adjustment based on failure to submit a claim notice or
10 claim-related documentation in a specified time frame or form is void
11 and unenforceable, except to the extent the party seeking to enforce
12 the clause is able to show material prejudice as a result of
13 noncompliance.

14 (2) Subsection (1) of this section does not apply to any
15 contractual requirement that a lawsuit, arbitration, or other similar
16 alternative dispute resolution procedure be commenced within a
17 reasonable time period, which shall be no fewer than one hundred
18 eighty calendar days following the completion or termination of a
19 contract.

20 (3) For the purposes of this section, "claim" means any demand or
21 assertion by a party to a construction contract seeking, as a matter

1 of right, adjustment, or interpretation of contract terms, payment of
2 money, extension of time, or other relief with respect to the terms
3 of the contract. "Claim" includes other disputes and matters in
4 question between the parties to a construction contract arising out
5 of or relating to the contract. The responsibility to substantiate a
6 claim rests with the claimant.

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