

**RCW 60.28.021 Excess over lien claims paid to contractor.** After the expiration of the forty-five day period for giving notice of lien provided in RCW 60.28.011(2), and after receipt of the certificates of the department of revenue, the employment security department, and the department of labor and industries, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue, the employment security department, and the department of labor and industries are discharged, and the claims of material suppliers and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor. [2009 c 432 § 6; 2007 c 218 § 94; 1992 c 223 § 3.]

**Report—2009 c 432:** See RCW 18.27.800.

**Intent—Finding—2007 c 218:** See note following RCW 41.08.020.

**Effective date—1992 c 223:** See note following RCW 39.76.011.

**Waiver of rights, construction—Application—1992 c 223:** See RCW 39.04.900 and 39.04.901.