S-1623.1

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**SUBSTITUTE SENATE BILL 5788**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Brown, Padden, and Takko)

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

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

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

(1) A contractor, subcontractor, or supplier to a construction contract, as defined in RCW 4.24.370, may be entitled to equitable adjustment of a claim despite the failure to submit a claim notice or claim-related document in a specific time frame or form required by the contract, to the extent the interests of the person seeking to enforce the notice are not prejudiced by the failure to comply with the notice provisions.

(2) For the purposes of this section, "claim" means any demand or assertion by a party to a construction contract seeking, as a matter of right, adjustment, or interpretation of contract terms, payment of money, extension of time, or other relief with respect to the terms of the contract. "Claim" includes other disputes and matters in question between the parties to a construction contract arising out of or relating to the contract. The responsibility to substantiate a claim rests with the claimant.

**--- END ---**