

1 **ESB 6407 - H COMM AMD ADOPTED 03/05/92**

2 By Committee on Commerce & Labor

3 Strike everything after the enacting clause and insert the  
4 following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter  
6 39.04 RCW to read as follows:

7 (1) The provisions of RCW 4.84.250 through 4.84.280 shall  
8 apply to an action arising out of a public works contract in which  
9 the state, or a municipality, or other public body that contracts  
10 for public works, is a party, except that: (a) The maximum amount  
11 of the pleading shall be two hundred fifty thousand dollars; and  
12 (b) in applying RCW 4.84.280, offers of settlement shall be served  
13 on the adverse party in the manner prescribed by the applicable  
14 court rules at least one hundred twenty days prior to trial.

15 (2) The rights provided for under this section may not be  
16 waived by the parties to a public works contract that is entered  
17 into on or after the effective date of this act, and a provision in  
18 such a contract that provides for waiver of these rights is void as  
19 against public policy. However, this subsection shall not be  
20 construed as prohibiting the parties from mutually agreeing, when  
21 any dispute arises in connection with a public works contract, to  
22 submit the dispute to arbitration."

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3 On page 1, line 1 of the title, after "contracts;" strike the  
4 remainder of the title and insert "and adding a new section to  
5 chapter 39.04 RCW."