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**SUBSTITUTE SENATE BILL 5764**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Heavey, Johnson, McCaslin, T. Sheldon and Haugen)

Read first time 03/02/1999.

1 AN ACT Relating to actions arising out of public works contracts;  
2 and amending RCW 39.04.240.

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

4 **Sec. 1.** RCW 39.04.240 and 1992 c 171 s 1 are each amended to read  
5 as follows:

6 (1) The provisions of RCW 4.84.250 through 4.84.280 shall apply to  
7 an action arising out of a public works contract in which the state or  
8 a municipality, or other public body that contracts for public works,  
9 is a party, except that: (a) The maximum ((~~amount of the pleading~~  
10 ~~shall be two hundred fifty thousand dollars~~)) dollar limitation in RCW  
11 4.84.250 shall not apply; and (b) in applying RCW 4.84.280, the time  
12 period for serving offers of settlement on the adverse party shall be  
13 the period not less than thirty days and not more than one hundred  
14 twenty days after completion of the service and filing of the summons  
15 and complaint.

16 (2) The rights provided for under this section may not be waived by  
17 the parties to a public works contract that is entered into on or after  
18 June 11, 1992, and a provision in such a contract that provides for  
19 waiver of these rights is void as against public policy. However, this

1 subsection shall not be construed as prohibiting the parties from  
2 mutually agreeing to a clause in a public works contract that requires  
3 submission of a dispute arising under the contract to arbitration.

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