
HOUSE BILL 3181

State of Washington 58th Legislature 2004 Regular Session

By Representative Clements

Read first time 02/04/2004. Referred to Committee on State Government.

1 AN ACT Relating to legal services for construction professionals
2 involved in legal disputes concerning project permits; adding a new
3 section to chapter 43.42 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
6 building industry is a key driver of the state economy. The
7 legislature further recognizes that the building industry single-
8 handedly kept the state economy afloat during the recent recession.
9 The building industry, through single-family and multifamily
10 construction, generated one hundred two thousand three hundred forty-
11 one direct jobs and an additional ten thousand five hundred eighty-two
12 spin-off jobs in Washington, more than any other industry.

13 (2) The legislature recognizes that the governor recently entered
14 into a contract with the Boeing company to ensure that the Boeing
15 company will build the new 7E7 plant in Washington. Among other
16 provisions, the governor granted the Boeing company state protection
17 against environmental lawsuits.

18 (3) The legislature recognizes that developers and builders are
19 consistently sued by no-growth activists to prevent legitimate

1 development. The legislature finds that these suits stymie the state
2 economy and fetter thoughtful land use planning. Because the building
3 industry is the most important job creator and economic driver in the
4 state, the legislature extends the legal protections granted to the
5 Boeing company to the entire building industry.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.42 RCW
7 to read as follows:

8 (1)(a) For the purposes of this section, "construction
9 professional" means a land developer, builder, builder vendor,
10 contractor, or subcontractor performing or furnishing the design,
11 supervision, construction, or observation of the construction of any
12 improvement to real property, whether operating as a sole proprietor,
13 partnership, corporation, or other business entity.

14 (b) "Project permit" or "project permit application" means any land
15 use or environmental permit or license required from a local government
16 for a project action, including but not limited to building permits,
17 subdivisions, binding site plans, planned unit developments,
18 conditional uses, shoreline substantial development permits, site plan
19 review, permits or approvals required by critical area ordinances,
20 site-specific rezones authorized by a comprehensive plan or subarea
21 plan, but excluding the adoption or amendment of a comprehensive plan,
22 subarea plan, or development regulations except as otherwise
23 specifically included in this subsection (1)(b).

24 (2)(a) In the event that any party, other than the state or a
25 political subdivision of the state, institutes any legal proceeding,
26 including but not limited to proceedings under chapters 36.70C and
27 90.58 RCW, against a construction professional regarding a project
28 permit granted by the state or a political subdivision of the state,
29 the office of the attorney general shall assume the entire defense of
30 the proceedings, including all fees, costs, and expenses.

31 (b) Without prior consultation with the construction professional,
32 the office of the attorney general may not: (i) Make any settlement or
33 compromise of the legal proceedings; (ii) fail to pursue any available
34 legal theory of avenue of appeal of any adverse judgment against which
35 the construction professional believes is likely to be successful;
36 (iii) elect to abandon any litigation or other legal proceedings under

1 (a) of this subsection; or (iv) take any action that would result in
2 the imposition of fees, charges, or costs upon the construction
3 professional.

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