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**SUBSTITUTE HOUSE BILL 2120**

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**State of Washington                      63rd Legislature                      2014 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Habib, Rodne, Goodman, Ryu, and Fitzgibbon)

READ FIRST TIME 02/03/14.

1            AN ACT Relating to actions for damage to real property resulting  
2 from construction, alteration, or repair on adjacent property; adding  
3 a new section to chapter 4.16 RCW; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature enacts this act to overrule  
6 the Washington supreme court decision in *Vern J. Oja and Assoc. v.*  
7 *Washington Park Towers, Inc.*, 89 Wn.2d 72, 569 P.2d 1141 (1977), which  
8 held that claims for damage to real property resulting from  
9 construction activities on adjacent property do not accrue until the  
10 construction project on the adjacent property is complete.

11           NEW SECTION.    **Sec. 2.** A new section is added to chapter 4.16 RCW  
12 to read as follows:

13           (1) Except as provided in subsection (2) of this section, actions  
14 for damage to real property resulting from construction, alteration, or  
15 repair on an adjacent property, whether alleging negligence, strict  
16 liability, trespass, or any other cause of action, must be commenced  
17 within the earlier of the following periods:

1           (a) Within three years after the property owner first discovered or  
2 reasonably should have discovered the damage; or  
3           (b) Within three years after completion of the construction,  
4 alteration, or repair.  
5           (2) Actions for such damage that (a) is known or reasonably should  
6 have been known as of the effective date of this section and (b) is  
7 caused by a construction, alteration, or repair project that is not  
8 complete as of the effective date of this section must be commenced  
9 within three years of the effective date of this section.  
10          (3) Nothing in this section may be construed as extending the  
11 period for bringing a claim beyond the periods provided in RCW  
12 4.16.300, 4.16.310, and 4.16.320.

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