

WAC 296-310-200 Procedures for filing suit against a contractor.

(1) A suit against a contractor and its bond or security for unpaid wages or damages may be brought in any court with jurisdiction. The venue may be in the county in which the claim arose, or in which either the damaged person or the defendant resides.

(2) When a contractor is sued, the plaintiff must serve the summons and complaint on the contractor and its surety by serving three copies of the summons and complaint by certified or registered mail on the department. The department shall not accept personal service of the summons and complaint.

(3) The department may be unable to process a summons and complaint if the summons and complaint do not contain the following information:

(a) The contractor's name exactly as it appears on the contractor's license;

(b) The contractor's business address;

(c) The names of the owners, partners, or officers of the contractor; and

(d) The contractor's license number.

If the suit names a surety as a defendant, the summons and complaint should also include:

(e) The name and address of the surety that issued the contractor's bond;

(f) The bond number; and

(g) The effective date of the bond.

If the information is insufficient for the department to identify the contractor or surety that is being sued, the department shall not attempt to serve the summons and complaint and shall return them to the plaintiff.

[Statutory Authority: RCW 19.30.130. WSR 86-01-027 (Order 85-34), § 296-310-200, filed 12/11/85.]