

WAC 296-400A-019 How is a suit filed against a plumbing contractor? (1) A civil suit against a plumbing contractor must be filed in the superior court of the county in which the work was done or of any county in which jurisdiction of the plumbing contractor may be had. Unless the suit is filed in a superior court, the department will not be able to direct payment on an unsatisfied final judgment against a secured contractor.

(2) Notice that a suit has been filed (a summons and complaint) against a plumbing contractor, the plumbing contractor's bond, and/or the plumbing contractor's deposit must be exclusively delivered to the department by registered or certified mail to: P.O. Box 44470, Olympia, Washington 98504-4470. The notice must be addressed to the department and must include three copies of the summons and complaint filed against the plumbing contractor, the plumbing contractor's bond and/or the plumbing contractor's deposit. The person filing the suit must pay the required service fee to the department in WAC 296-400-045.

(3) The summons and complaint against a plumbing contractor must include the following information:

(a) The name of the plumbing contractor exactly as it appears in the plumbing contractor's licensing file;

(b) The plumbing contractor's business address;

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

(d) The plumbing contractor's license number.

(4) If the suit joins a bonding company, the summons and complaint should also include:

(a) The name of the bonding company that issued the plumbing contractor's bond;

(b) The bond number; and

(c) The effective date of the bond.

(5) If the suit is against a plumbing contractor using an assigned account in lieu of a bond, the complaint must also include:

(a) The name of the institution where the assigned account is held;

(b) The account number; and

(c) The date the assigned account was opened.

(6) Service is not considered complete until the department receives the documents in Tumwater with the service fee required by WAC 296-400A-045 and three copies of the summons and complaint.

(7) Within two days of receiving a summons and complaint, the department must mail a copy of the summons and complaint to the licensee at the address listed on the licensee's application or at their last known address provided to the department and to the licensee's surety.

(8) The department will return a summons and complaint without it being served, if the department cannot readily identify either the contractor or bonding company being sued, if the action did not arise under chapter 18.106 RCW, or if the fee and three copies of the summons and complaint are not received.

[Statutory Authority: 2020 c 153. WSR 21-13-041, § 296-400A-019, filed 6/10/21, effective 7/1/21.]