

Table of Contents

CHAPTER 2. BECOMING A CONSTRUCTION CONTRACTOR

B. LICENSING

§ 2:9 Trade licenses

CHAPTER 3. CONSTRUCTION CONTRACTOR LICENSING

§ 3:1 Registration requirements

CHAPTER 4. BUILDING PERMITS AND CODES

§ 4:1 Plan review and inspection

§ 4:5 Inspections and inspectors

§ 4:6 Permit impact fees and exactions

§ 4:7 Land Use Petition Act

§ 4:8 Environmental permits

§ 4:9 Underground Utilities Damage Prevention Act (UUDPA)

§ 4:10 Affordable housing programs *[New]*

CHAPTER 5. SITE SELECTION AND FINANCING

A. DUE DILIGENCE

§ 5:1 Zoning issues

§ 5:2 Environmental issues

CHAPTER 6. DESIGN AND ENGINEERING

C. CONSTRUCTION MANAGER LIABILITY

§ 6:10 Supervision and inspection

D. SURVEYOR LIABILITY

§ 6:11 Liability of surveyors

CHAPTER 7. DEVELOPMENT OPTIONS

B. SINGLE FAMILY RESIDENCES

§ 7:4 Homeowner associations

C. MULTI-FAMILY RESIDENCES

§ 7:9 Condominium complexes

§ 7:10 Declaration of condominium

CHAPTER 8. BIDDING FOR GOVERNMENT PROJECTS

A. BIDDING GENERALLY

§ 8:1 The bidding system

B. BIDDING TERMS

§ 8:4 Form of expected contract

D. OTHER BIDDING ISSUES

§ 8:12 Responsive and non-responsive bids

E. BID PROTESTS

§ 8:15 Judicial protests

§ 8:16 Irregularities in the bidding process

CHAPTER 9. CONTRACTING FOR PRIVATE PROJECTS

B. CONTRACT FORMATION

§ 9:6.50 General principles of contract interpretation *[New]*

§ 9:6.70 Mistake *[New]*

§ 9:7.50 Option contracts *[New]*

§ 9:8 Mutual assent

C. IMPLIED TERMS

§ 9:13 Implied warranties

§ 9:14 Good faith and fair dealing

D. PAYMENT UNDER THE CONTRACT

§ 9:15.50 Retainage *[New]*

F. GENERAL CONTRACT TERMS

§ 9:24 Liquidated damages

TABLE OF CONTENTS

- § 9:36 Right to cure defective work
- § 9:38 Forum selection clauses
- § 9:41 Labor and safety
- § 9:43 Attorneys' fees
- § 9:44 Arbitration, mediation, and alternative dispute resolution
- § 9:45 Termination of contract
- § 9:46 Integration clause

CHAPTER 11. SCOPE OF WORK DISPUTES

A. CHANGE ORDERS

- § 11:4 Waiving the writing requirement

B. CONTRACTOR'S DUTIES

- § 11:7 Defective plans or specifications

CHAPTER 12. CONSTRUCTION PROJECT DELAYS

B. EXCUSABLE DELAYS

- § 12:6 Acts of God

CHAPTER 13. CONSTRUCTION BONDS

A. INTRODUCTION TO BONDS

- § 13:1.50 Guaranty contracts *[New]*
- § 13:4 Bond types and terms

C. PERFORMANCE BONDS

- § 13:8 Contractor Registration Act surety bond

E. MILLER ACT BONDS

- § 13:18 Washington's "Little Miller Act"

CHAPTER 14. CONSTRUCTION LIENS

A. GENERAL CONSTRUCTION LIENS

- § 14:1 The materialmen's lien
- § 14:3 Securing an interest in construction financing

B. ITEMS COVERED BY THE LIEN

- § 14:6 Labor

D. NOTICE OF LIEN REQUIREMENTS

- § 14:15 Effect of improper notice
- § 14:17 Service of notice of lien claim rights

E. TIME AND PLACE FOR LIEN FILING

- § 14:18 Private property

F. DURATION OF LIEN

- § 14:20 Term of lien
- § 14:21 Effect of improper acts on term of lien

I. LIEN PRIORITY

- § 14:25 Private property
- § 14:26 Building loan contracts and mortgages

J. LIEN FORECLOSURE AND ARBITRATION

- § 14:31.50 Attorney's fees in lien foreclosure actions *[New]*

K. DEFENSES TO FORECLOSURE

- § 14:33 Frivolous or excessive lien

CHAPTER 15. EMPLOYEE SAFETY AND THE CONSTRUCTION PROJECT

A. BACKGROUND ON EMPLOYEE SAFETY

- § 15:1 Introduction
- § 15:1.50 Immunity of Design Professionals *[New]*
- § 15:2 Workers' compensation laws
- § 15:3 Owner's obligations
- § 15:5 General contractor's obligations
- § 15:7 Employee obligations

B. ACCIDENT PREVENTION PROGRAMS

- § 15:8 Accident prevention requirements

D. WISHA ADMINISTRATIVE ACTIONS

- § 15:14.50 WISHA actions—Who is an employer *[New]*
- § 15:15 WISHA procedure
- § 15:16 Defenses to WISHA actions
- § 15:16.50 Appeals from WISHA citations *[New]*

E. INJURY CLAIMS FOR FAILURE TO PROVIDE A SAFE WORKPLACE

- § 15:18 Tort nature of injury claim

TABLE OF CONTENTS

CHAPTER 15A. WORKERS' COMPENSATION

A. WORKERS' COMPENSATION GENERALLY

- § 15A:1 Origin and nature of the system
- § 15A:2 Exceptions to the rule of “exclusive remedy”
- § 15A:3 The course of employment rule and exceptions thereto
- § 15A:4 Alternative types of workers' compensation coverage

B. COVERAGE AND CLAIMS

- § 15A:5 Covered employers and workers
- § 15A:7 Compensable claims
- § 15A:8 Statute of limitations

C. WORKERS' COMPENSATION BENEFITS

- § 15A:9 The benefit structure—Disability benefits
- § 15A:11 The benefit structure—Vocational rehabilitation

E. APPEALS AND DISPUTE RESOLUTION

- § 15A:13 Appeals and dispute resolution

CHAPTER 16. CONSTRUCTION DEFECT LITIGATION

A. CLAIMS FOR CONSTRUCTION DEFECTS

- § 16:3 Breach of contract
- § 16:14 Consumer Protection Act violations
- § 16:14.50 Unjust enrichment *[New]*

B. DEFENSES AGAINST CONSTRUCTION DEFECTS

- § 16:16 Not defective construction
- § 16:16.50 The Spearin Doctrine *[New]*
- § 16:24 Statutes of limitation
- § 16:25 Statute of limitations applied to construction of or improvements to real property
- § 16:25.50 Limitation periods for contractors' claims for payment *[New]*

C. REMEDIES IN CONSTRUCTION LITIGATION

- § 16:28 Consequential damages
- § 16:31 Attorney's fees

CHAPTER 18. DISPUTE RESOLUTION IN CONSTRUCTION LITIGATION

B. CONTRACTUAL DISPUTE RESOLUTION CLAUSES

- § 18:9 Enforceability of ADR contract clauses
- § 18:9.50 Scope of arbitration *[New]*

CHAPTER 19. CONSTRUCTION INSURANCE

A. CONSTRUCTION INSURANCE

- § 19:0.50 Insurance contracts generally *[New]*
- § 19:1 Types of policies
- § 19:3 Duty of defense
- § 19:5 Claims made policies
- § 19:8 Construing policy priorities

B. INSURANCE COVERAGE

- § 19:10 Defined terms—Occurrence
- § 19:12 The “Efficient Proximate Cause” Rule

C. COMMON EXCLUSIONS

- § 19:12.50 Insurance exclusions—Generally *[New]*
- § 19:15.50 Loss of use and loss caused by delay *[New]*

E. DENIAL OF COVERAGE AND BAD FAITH

- § 19:21 Bad faith
- § 19:22 The Insurance Fair Conduct Act

G. ISSUES ARISING FROM CONTRACTS TO REPAIR RELYING ON HOMEOWNERS INSURANCE COVERAGE *[New]*

- § 19:25 Overview *[New]*
- § 19:26 Who’s on first, what’s on second? *[New]*
- § 19:27 Changes in laws or regulations that affect rebuilding costs
[New]
- § 19:28 Changes initiated by the homeowner *[New]*
- § 19:29 Advice for the homeowner *[New]*
- § 19:30 Advice for the contractor *[New]*
- § 19:31 Advice for the insurer *[New]*

CHAPTER 21. CONSTRUCTION IMPACT ON THIRD PARTIES

- § 21:3 Restrictive covenants
- § 21:7 Anti-SLAPP claims

TABLE OF CONTENTS

**CHAPTER 22. ENVIRONMENTALLY
CONSCIOUS CONSTRUCTION**

B. GOVERNMENT MANDATES AND INCENTIVES

§ 22:4 Washington State mandates and incentives

Table of Laws and Rules

Table of Cases

Index