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MIND OF A LAWYER. HEART OF A CONTRACTOR.

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Construction Legislation Now Pending in Washington

The new legislative session has begun in Washington, and a number of bills affecting the construction industry have been introduced. We wrote a [full blog post on one of the more interesting bills](#) introduced to address the controversial [Williams v. Athletic Field](#) construction lien case. Here is a summary of some of the other pending legislation:

House Bill 1531 (Adjusting the minimum wage rate based on changes in consumer pricing)

Introduced by Rep. Cary Condotta, (R-Wenatchee) (R) on January 25, 2011, requires the calculations for the adjusted minimum wage rate to include the actual change in consumer prices since September 1, 2000, based on the consumer price index for urban wage earners and clerical workers, or a successor index. This act requires the new calculations to begin September 30, 2011.

<http://www.washingtonvotes.org/Legislation.aspx?ID=127384>

House Bill 1532 (Creating a good faith defense for certain minimum wage and overtime compensation complaints)

Introduced by Rep. Cary Condotta, (R-Wenatchee) (R) on January 25, 2011, relieves liability for employers who violate minimum wage or overtime pay requirements when the act or omission occurs in good faith and in reliance on rules, rule interpretations by the Director of the Department of Labor and Industries, or administrative or interpretive opinions issued by the Department.

<http://www.washingtonvotes.org/Legislation.aspx?ID=127385>

House Bill 1535 (Providing requirements for business payment contracts)

Introduced by Rep. Cary Condotta, (R-Wenatchee) (R) on January 25, 2011, provides for specific requirements for business payment contracts. This act requires a separate signature line for a business representative to accept the terms of the contract on behalf of another and makes the business representative personally liable for the contract. This act applies to business payment contracts executed on or

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after July 1, 2012.

<http://www.washingtonvotes.org/Legislation.aspx?ID=127388>

House Bill 1559 (Limiting indemnification agreements involving design professionals)

Introduced by Rep. Kathy Haigh, (D-Shelton) (D) on January 25, 2011, modifies current law to limit indemnification agreements involving design professionals. This act allows for the indemnification of a public agency in a claim filed by a design professional only to the extent of any negligence, recklessness, or willful misconduct of the design professional. This act may not be waived or modified by contractual agreement, act, or omission of the parties.

<http://www.washingtonvotes.org/Legislation.aspx?ID=127422>

Senate Bill 5444 (Concerning the construction of a state boundary bridge)

Introduced by Sen. Steve Conway, (D-Tacoma) (D) on January 25, 2011, to make specific provisions for the construction of a state boundary bridge. This act requires specific conditions in any requests for proposals issued by the Department of Transportation for the bridge, including a requirement that the contractor use products, materials, and components manufactured in Washington or the adjoining state with which the project is designed. This act also provides other considerations for the contract, unless any would jeopardize federal funding. (Companion: HB 1383).

<http://www.washingtonvotes.org/Legislation.aspx?ID=127329>

Senate Bill 5485 (Maximizing the use of our state's natural resources)

Introduced by Sen. Jim Hargrove, (D-Hoquiam) (D) on January 26, 2011, to adopt, by reference, the international green construction code to reduce greenhouse gas emissions and other environmental impacts at earlier stages in the building and construction design process. The state building code council is required to review the state building code and adopt changes as necessary to promote the greater use of wood and wood products.

<http://www.washingtonvotes.org/Legislation.aspx?ID=127647>

Senate Bill 5562 (Creating a task force on construction crane safety review)

Introduced by Sen. Jerome Delvin, (R-Richland) (R) on January 31, 2011, to create a task force on construction crane safety review to review the implementation of statutes concerning crane safety. Membership will consist of legislators, stakeholders from the construction crane industry, and a representative of the department of labor and industries. The task force expires December 31, 2011.

<http://www.washingtonvotes.org/Legislation.aspx?ID=129265>

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House Bill 1761 (Limiting private activity bond issues by out-of-state issuers)
Senate Bill 5618 (Limiting private activity bond issues by out-of-state issuers)
Introduced by Rep. Hans Dunshee, (D-Snohomish) (D) on February 1, 2011, to allow lines of group disability insurance, except short-term or student-only plans, to be issued to more groups when certain conditions are met. (Companion: SB 5617).
<http://www.washingtonvotes.org/Legislation.aspx?ID=129616>

House Bill 1788 (Concerning the practice of registered interior design)
Introduced by Rep. Tami Green, (D-Lakewood) (D) on February 2, 2011, creates registration requirements and fees for those who practice interior design. This act includes design services rendered for new construction, alterations, or interior repairs on any nonstructural interior area of any occupancy not exceeding four thousand square feet. This act creates the state Board for Registered Interior Designers consisting of five members appointed by the Governor. This act requires the Board to adopt a national exam to test competencies in codes and practices in interior, nonstructural design work.
<http://www.washingtonvotes.org/Legislation.aspx?ID=129800>

House Bill 1806 (Concerning construction and industrial storm water general permits)
Introduced in the House on February 2, 2011, requires construction and industrial storm water general permits issued by the department to include an enforceable adaptive storm water mechanism using benchmarks and action levels as goals. This act sets out specific criteria for monitoring compliance under industrial storm water general permits. This act allows the department to modify or terminate the permit if the permit holder is not satisfying the controls in place with the original permit. This act also creates reporting and assessment requirements of the department regarding these permits. This act expires January 1, 2015.
<http://www.washingtonvotes.org/Legislation.aspx?ID=129819>

House Bill 1809 (Establishing a preference for resident contractors on public works)
Senate Bill 5662 (Establishing a preference for resident contractors on public works)
Introduced by Rep. Kevin Van De Wege, (D-Sequim) (D) on February 3, 2011, to require the state or a municipality to award a contract to the responsible bidder with the lowest responsive bid after a resident contractor preference of seven percent has been applied. (Companion: SB 5662).
<http://www.washingtonvotes.org/Legislation.aspx?ID=130057>

Senate Bill 5131 (Expanding the definition of public facilities eligible for impact fee credits)
Substitute offered in the Senate on February 3, 2011, to provide that a local government's capital facilities plan, included in its comprehensive plan adopted

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under the growth management act, must include public streets, roads, and transit, bicycle, and pedestrian facilities.

<http://www.washingtonvotes.org/Legislation.aspx?ID=123071>

Senate Bill 5250 (Modifying the design-build procedure for transportation projects) Substitute offered in the Senate on February 3, 2011, to provide that at the request of the transportation committees of the Legislature or the Office of Financial Management, the department of transportation must provide a written explanation as to why the design-build process was not used. The department must periodically evaluate the design-build process

<http://www.washingtonvotes.org/Legislation.aspx?ID=124072>

Senate Bill 5643 (Revising the definition of "well" in water well construction) Introduced by Sen. Val Stevens, (R-Arlington) (R) on February 3, 2011, to revise the definition of "well" for purposes of water well construction to provide that "well" does not mean an excavation of less than six feet in depth, regardless of purpose or method of construction.

<http://www.washingtonvotes.org/Legislation.aspx?ID=130028>

House Bill 1853 (Regarding structural engineers)

Introduced by Rep. Mike Sells, (D-Everett) (D) on February 7, 2011, modifies current law to allow to allow an engineer to provide structural engineering services on certain structures without being registered as a structural engineer. This act excludes from the definition of significant structure non-occupied towers containing telecommunication and broadcast antennas, allowing non-registered structural engineers to provide services on such towers.

<http://www.washingtonvotes.org/Legislation.aspx?ID=130677>