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**SUBSTITUTE SENATE BILL 5031**

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**State of Washington                      63rd Legislature                      2013 Regular Session**

**By Senate Law & Justice (originally sponsored by Senator Padden)**

READ FIRST TIME 02/21/13.

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) Actions for damage to real property resulting from  
14 construction, alteration, or repair on an adjacent property, whether  
15 alleging negligence, strict liability, trespass, or any other cause of  
16 action, must be commenced within three years after the property owner  
17 first discovered or reasonably should have discovered the damage.

1           (2) Nothing in this section may be construed as extending the  
2 period for bringing a claim beyond the periods provided in RCW  
3 4.16.300, 4.16.310, and 4.16.320.

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