
SUBSTITUTE SENATE BILL 6192

State of Washington

68th Legislature

2024 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators King, Stanford, Mullet, and Nobles)

1 AN ACT Relating to additional work and change orders on public
2 and private construction projects; and amending RCW 39.04.360.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.04.360 and 2009 c 193 s 1 are each amended to
5 read as follows:

6 (1) No later than ((thirty)) 30 days after satisfactory
7 completion of any additional work or portion of any additional work
8 by a contractor, subcontractor, or supplier on a public works project
9 or private construction project, except private residential projects
10 of 12 units or less, and receipt by the owner, state, or municipality
11 of a request from the contractor for issuance of a change order to
12 the contract, the owner, ((the)) state, or municipality shall issue a
13 change order to the contract for the full dollar amount of the work
14 not in dispute ((between the state or municipality and)) to the
15 contractor. Within 10 days of receipt of a change order from the
16 owner, state, municipality, or upper-tier contractor, the contractor
17 or subcontractor must issue change orders to lower-tier
18 subcontractors impacted by the change. If the owner, state, or
19 municipality does not issue such a change order within the ((thirty))
20 30 days, or the contractor or upper-tier subcontractor does not issue
21 a change order to lower-tier subcontractors within 10 days after

1 receipt of the approved change order, interest must accrue on the
2 dollar amount of the additional work satisfactorily completed and not
3 in dispute until a change order is issued. The owner, contractor,
4 subcontractor, state, or municipality shall pay ((this)) their
5 proportionate share of the interest at a rate of one percent per
6 month. For the purposes of this section, as it pertains to
7 obligations of an owner, state, or municipality, additional work is
8 work beyond the scope defined in the contract between the contractor
9 and the owner, state, or municipality.

10 (2) No later than 30 days after satisfactory completion of any
11 additional work or portion of any additional work authorized by the
12 owner, state, or municipality and a request by a subcontractor or
13 supplier, the contractor must request a change order from the owner,
14 state, or municipality. A lower-tier subcontractor or supplier must
15 request a change order from the upper-tier contractor 30 days after
16 the completion of the additional work and a request from the lower-
17 tier subcontractor. If a contractor or subcontractor has requested
18 the change order from the owner, upper-tier contractor, state, or
19 municipality within 30 days of the request from the subcontractor or
20 supplier, the contractor or subcontractor is not liable for any
21 interest on the unpaid dollar amount for any additional work
22 satisfactorily completed and not in dispute if the owner, upper-tier
23 contractor, state, or municipality has not issued the requested
24 change order. This section does not provide any rights to a
25 contractor, subcontractor, or supplier against a party with whom they
26 are not a party to a written contract.

27 (3) An aggrieved party may bring a civil action for violations of
28 this section in a court of competent jurisdiction for appropriate
29 relief, including interest and reasonable attorneys' fees and costs.

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