

I am not satisfied with a Construction Contractor's Work

Filing Suit against the Contractor's Bond

Should I use this?

You might want to sue a construction contractor if, for example:

- The contractor did not finish the job you hired him to do.
- The contractor did not do a good job.

If the contractor is bankrupt or has no other assets, you can sue against the contractor's bond.

This is general advice only. We do not explain how to file a lawsuit in Superior Court. Washington has state [Court Rules](#). Each Superior Court has [Local Court Rules](#) you must follow. The rules are at the court's law library or the local library.

If the contractor defends the lawsuit, you might go to trial. **If this happens, get legal help.**

What is a contractor's bond?

All construction contractors registered with the Department of Labor and Industries (L & I) must be bonded. The contractor must pay a bonding company some amount. If the contractor defaults on the contract, you can sue against the bond. The bonding company pays damages up to the bond amount if you win.

Does the contractor have to pay a bonding company?

No. A contractor can put the required amount into a bank account. The contractor must file

the bank name and account number with L & I.

How much is the bond?

A **general contractor** must get one for \$12,000. This contractor supervises the work of unrelated trades.

A **specialty contractor** must get one for \$6,000. This contractor specializes in a trade, like painting.

Who can sue against a contractor's bond?

If you are a homeowner, you can sue against the bond if the contractor defaulted on the contract.

What is my deadline for filing the lawsuit?

You must file within two years of the date the contractor substantially finished or abandoned (gave up on) the work. [RCW 18.27.040\(3\)](#). If you have a written contract and the contractor must be licensed under [RCW 18.27.020](#), you can sue the contractor, not the bond company, within six years. [RCW 4.16.040](#), [4.16.300](#), and [4.16.310](#).

Do I need to do anything before filing suit?

With contracts for sale, construction, or substantial remodel, the contractor has the right to offer to fix any construction-related defects before you sue him. The contractor should give you written notice of this right. [RCW 64.50.050](#).

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- ❖ Substantial remodel is a home remodel where the total cost is more than half the home's assessed property tax value at the time you made the contract for the remodel work. [RCW 64.50.010](#).
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You must tell the contractor in writing about any defective conditions no more than 45 days before suing and give him a chance to offer to repair or pay for the defects. [RCW 64.50.020](#). The contractor should respond in writing within 21 days. [RCW 64.50.020](#). You do not have to accept the contractor's offer. [RCW 64.50.050](#).

Where do I file suit?

In one of these:

- The superior court of the county where the contractor did the work. [RCW 18.27.040\(3\)](#)
- the superior court of any county with jurisdiction (authority to make a decision affecting him) over the contractor

How do I file suit?

1. Fill out a Summons form and a Complaint form. You *might* be able to buy them at an office supply store or get them at the courthouse.

- a) You must name the bond company as a defendant on the form.
 - b) You should include the contractor's bond number, business name, and owner's name and business address. Get this info from the [L& I website](#) at www.Contractors.LNI.wa.gov.
 - c) If the contractor has a bank account, not a bond, list the bank name and account number in the complaint. Get this info from the [L& I website](#).
 - d) In your complaint, you can ask the court to award you your court costs, interest, or attorney's fees. [RCW 18.27.040\(6\)](#).
2. When you have filled out the Summons & Complaint forms, file them with the superior court. The filing fee will be about \$200. The court will give the case a cause number.
 3. Once you have a cause number, L & I must serve the bonding company:
Send three copies of your Summons & Complaint and a check for \$52 (processing fee) to the Department of Labor and Industries. Send by certified or registered mail to
Department of Labor and Industries
Contractor Registration
PO Box 44450
Olympia, WA 98504-4450
 4. Have someone serve the contractor and/or their business with a copy of the Summons & Complaint. **Do not do this yourself.** Your server must file

an Affidavit of Service with the court. L& I will also serve the contractor.

5. Keep a copy of the Summons and Complaint for your records.
6. When the case is over, mail L & I a copy of the Judgment and Order for their records.

What if I need legal help?

- **Apply online with CLEAR*Online**
- nwjustice.org/get-legal-help
or
- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County**: Call 1-888-201-1014 weekdays 9:15 a.m. - 12:15 p.m.
- **King County**: Call 211 for info and referral to a legal services provider

weekdays 8:00 am – 6:00 pm. You can also call (206) 461-3200 or toll-free 1-877-211-WASH (9274). Get info on legal service providers in King County at www.resourcehouse.com/win211/.

- **Persons 60 and Over**: Seniors age 60 or over can call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County can call 2-1-1.

Deaf and hard-of-hearing callers can call 1-800-833-6384 for a free relay operator. They will connect you with 211 or CLEAR.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at WashingtonLawHelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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