



King County Law Library

# MAKING A CLAIM AGAINST A CONTRACTOR'S BOND

## In King County Superior Court

**These instructions are for informational purposes only and do not constitute legal advice. If you do not understand this information, please contact an attorney.**

### About this Packet:

If a contractor (or subcontractor) breaches a construction contract or performs inferior or negligent work, homeowners and other authorized parties have the option of making a claim against the contractor's bond. [RCW 18.27.040\(3\)](#).

This packet covers how to initiate the claim. If the contractor chooses to dispute the claim through litigation you should consult an attorney.

This packet **does not** cover filing suit against an electrical contractor.

### General Information:

- Contractors are required to file a surety bond with the Department of Licensing. General contractors are required to have a \$12,000 bond and subcontractors a \$6000 bond. [RCW 18.27.040\(a\)](#).
- The amount of the claim by a homeowner is limited to up to the amount of the bond. The amount for suppliers, workers and other claimants is up to half of the value of the bond (not to exceed \$4000). [RCW 18.27.040\(5\)](#).
- Attorney's fees and costs may be available for your claim.
- A homeowner must file within 2 years of the date that the claimed work was substantially completed or abandoned. Suppliers, workers and other claimants must file within 1 year of the date that the claimed work was substantially completed or abandoned.
- The surety bond will only cover claims included in [RCW 18.27.040](#)

- The suit is generally filed in Superior Court in the county where the work was performed.
- For additional information on claims on construction contract bonds, see [RCW chapter 18.27.040](#) & [WAC 296-200A-080](#).

## Important Terms

|                      |  |
|----------------------|--|
| ◇ Complaint          | The legal document that initiates a legal action for the claim   |
| ◇ Plaintiff(s)       | The person(s) filing the Complaint and initiating the claim  |
| ◇ Defendant(s)       | The person(s) against whom the Complaint has been filed.   |
| ◇ Service of Process | The legal means of notifying the Defendant that a lawsuit has been filed against him. Service of process requires that the Defendant receive a copy of the Complaint and be provided the opportunity to respond. |

## Costs & Fees

There are many costs associated with filing a lawsuit. In a claim on a construction contractor's bond you should expect to pay the \$240 civil filing fee, a \$52 processing fee to the Washington Department of Licensing and other costs such as fees to make multiple copies of documents.

For a list of King County Superior Court filing fees, visit <http://www.kingcounty.gov/courts/clerk/fees.aspx>.

## Steps You May Have to Take Before You File!

- In any construction defect action you must give the contractor notice of the claim of the construction defect with sufficient detail to determine the nature of the defect at least 45 days before filing the claim. [RCW 64.50.020\(1\)](#)
- The contractor then has 21 days to respond to the notice of the defect claim [RCW 64.50.050\(2\)](#)
- If the contractor does not respond within the 21 days or rejects the claim, you may bring the claim without further notice [RCW 64.50.020\(3\)\(a\)](#)
- If the contractor makes an inspection proposal or settlement offer that you wish to reject, you can serve written notice of the rejection and file your claim after providing service of your rejection. [RCW 64.50.020\(3\)\(b\)](#)
- If you choose not to respond to the contractor's inspection proposal or settlement offer, after 30 days the contractor may terminate the proposal or offer by serving

written notice to you. After service of the notice of the termination of offer you may file your claim. [RCW 64.50.020\(4\)\(d\)](#)

## Information You Should Have Before You File Your Claim

- Name of the contractor as it appears on the contractor's registration file
- The contractor's business address
- The name of the owners, partners, or officers of the contractor's company
- The contractor's registration number
- The name of the bonding company that issues the bond
- The bond number
- The effective date of the bond
- The background facts that gave rise to the breach of contract or negligent work.
- The legal elements of your claim
- Any documentation that supports your claim

## Forms Included in this Packet

The following forms are included in this packet

- Case Information Cover Sheet – Civil
- Complaint – for homeowner to use
- Complaint – for supplier or subcontractor to use
- Summons
- Proof of Personal Service

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## Example of a Case Caption

When these instructions discuss the case Caption they are referring to the information located at the top of the court document. Example of a Caption: