

What to do If You are not satisfied with a Construction Contractor's Work and Want to File Suit against the Contractor's Bond

Should I use this publication?

There are number of reasons why you may want to sue a construction contractor.

Examples:

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

If the contractor is bankrupt or does not have any other assets, you can sue against the contractor's bond.

This publication has general advice only. It does not advise you how to go through or file and finish a lawsuit in Superior Court. Washington has state Court Rules. Each Superior Court has Local Court Rules that you must follow during a lawsuit¹. If the contractor defends the lawsuit, your case may 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. This means the contractor has to pay a certain amount of money to a bonding company. If the contractor defaults on the contract and you sue against the bond, the bonding company is responsible for paying damages (up to the bond amount) if you win.

¹ You may find both Washington State Court Rules and Washington Local Court Rules online at www.courts.wa.gov/court_rules/. You may also find these at the court's law library or your local library.

The bond amount is limited. A general contractor must get a bond for \$12,000. A specialty contractor must get one for \$6,000.

◆ A **specialty contractor** specializes in a certain trade, like painting. A **general contractor** supervises the work of a few unrelated trades.

As an alternative to a contractor's bond, a contractor can put the required amount of money into a bank account and file the bank name and account number with L & I.

Who can sue against a contractor's bond?

If you are a home-owner, you can sue against a contractor's bond if the contractor defaulted on the contract. You have to file suit within two years of the date the claimed contract work was substantially completed or abandoned.²

Is there anything I need to do before filing suit?

With contracts for sale, construction, or substantial remodel, the contractor has the right to offer to fix any construction-related

² [RCW 18.27.040\(3\)](#). But if you have a written contract and if the contractor is required to be licensed under [RCW 18.27.020](#), then you can sue the contractor (not the bond company) within six years. [RCW 4.16.040](#), [4.16.300](#) and [4.16.310](#).

defects before you can begin any legal proceeding against him.³ The contractor should give you written notice of this right.⁴

You must tell the contractor in writing about any allegedly defective conditions no later than 45 days before you file suit and give him a chance to make an offer to repair or pay for the defects.⁵ The contractor should respond in writing to your claim within 21 days.⁶ You do not have to accept any offer the contractor makes to you.⁷

Where do I file suit?

You can file suit in the superior court of the county where the contractor did the work.⁸

How do I file suit against the contractor's bond?

1. To begin the process, fill out a Summons form and a Complaint form. You *may* be able to buy one at an office supply store or get one at the courthouse.
 - a) In order to collect from the contractor's bond, you have to name the bond company as one of the defendants on the form.
 - b) You should also include the contractor's bond number, business name, name of the owner(s), and business address.

³ [RCW 64.50.050](#). "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made. [RCW 64.50.010](#).

⁴ [RCW 64.50.050](#).

⁵ [RCW 64.50.020](#).

⁶ [RCW 64.50.020](#).

⁷ [RCW 64.50.050](#).

⁸ [RCW 18.27.040\(3\)](#). You may also bring suit in the superior court of any county that has jurisdiction over the contractor.

You can find this information on L& I website at www.Contractors.LNI.wa.gov

- c) If the contractor has a bank account on file instead of a bond, list the bank name and account number in the complaint. This information is also available on the L& I website.
 - d) In your complaint you can also ask the court to award you your court costs, interest, or reasonable attorney's fees as part of any judgment.⁹
2. When you have filled out the Summons & Complaint forms, file it with the superior court in the county where work was done. There will be a filing fee of approximately \$200. The court will give your 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 to L & I. Include a check for \$20 (processing fee) made out to the Department of Labor and Industries. Mail the forms and the check by certified or registered mail to the following address:

Department of Labor and Industries
Contractor Registration
PO Box 44450
Olympia, WA 98504-4450

⁹ [RCW 18.27.040\(6\)](#).

4. You should serve the contractor and/or their business with a copy of the Summons & Complaint. Although L& I will also serve the contractor, the court may not consider L&I's service on the contractor good enough if the contractor's business is a partnership or limited liability company (LLC). You may not serve this yourself. You must have an uninterested person do this for you. You may hire a process server. Anyone who serves the contractor and/or their business must also file an Affidavit of Service with the court.
5. Keep a copy of the Summons and Complaint for your records.
6. When the case is finished, mail a copy of the Judgment and Order to L & I for their records.

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- **Outside King County:** Call 1-888-201-1014 weekdays from 9:10 a.m. until 12:25 p.m. CLEAR works with a language line to provide free interpreters as needed. If you are deaf or hard of hearing, call 1-888-201-1014 using your preferred TTY or Video relay service.
- **King County:** Call 211 for information and referral to a legal services provider Monday through Friday from 8:00 am – 6:00 pm. Or call (206) 461-3200, or the toll-free number 1-877-211-WASH (9274). 211 works with a language line to provide free interpreters as needed. If you are deaf or hard of hearing, call 1-800-833-6384 or 711. You will be connected to a relay operator at no cost, who will then connect you with 211. You may also find information on King County legal service providers on 211's website: www.resourcehouse.com/win211/.
- **If you are age 60 or Over:** Call CLEAR*Sr. at 1-888-387-7111, regardless of your income.

What if I need Legal Help?

- Apply online with **CLEAR*Online** - <http://nwjustice.org/clear-online> or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, statewide intake, advice and referral service for low-

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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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