
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3282.1/09

ATTY/TYPIST: KT:ean

BRIEF DESCRIPTION: Regulating tax liens against the retained percentage with respect to public improvement contracts.

1 AN ACT Relating to tax liens with respect to public improvement
2 contracts; and reenacting and amending RCW 60.28.040.

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

4 **Sec. 1.** RCW 60.28.040 and 2009 c 432 s 7 and 2009 c 219 s 7 are
5 each reenacted and amended to read as follows:

6 (1) Subject to subsection (5) of this section, the amount of all
7 taxes, increases, and penalties due or to become due under Title 82
8 RCW, from a contractor or the contractor's successors or assignees with
9 respect to a public improvement contract wherein the contract price is
10 thirty-five thousand dollars or more, shall be a lien prior to all
11 other liens upon the amount of the retained percentage withheld by the
12 disbursing officer under such contract.

13 (2) Subject to subsection (5) of this section, after payment of all
14 taxes, increases, and penalties due or to become due under Title 82
15 RCW, from a contractor or the contractor's successors or assignees with
16 respect to a public improvement contract wherein the contract price is
17 (~~twenty~~) thirty-five thousand dollars or more, the amount of all
18 other taxes, increases, and penalties under Title 82 RCW, due and owing

1 from the contractor, shall be a lien prior to all other liens upon the
2 amount of the retained percentage withheld by the disbursing officer
3 under such contract.

4 (3) Subject to subsection (5) of this section, after payment of all
5 taxes, increases, and penalties due or to become due under Title 82
6 RCW, the amount of all taxes, increases, and penalties due or to become
7 due under Titles 50 and 51 RCW, from the contractor or the contractor's
8 successors or assignees with respect to a public improvement contract
9 wherein the contract price is (~~twenty~~) thirty-five thousand dollars
10 or more, shall be a lien prior to all other liens upon the amount of
11 the retained percentage withheld by the disbursing officer under such
12 contract.

13 (4) Subject to subsection (5) of this section, the amount of all
14 other taxes, increases, and penalties due and owing from the contractor
15 shall be a lien upon the balance of such retained percentage remaining
16 in the possession of the disbursing officer after all other statutory
17 lien claims have been paid.

18 (5) The employees of a contractor or the contractor's successors or
19 assignees who have not been paid the prevailing wage under such a
20 public improvement contract shall have a first priority lien against
21 the bond or retainage prior to all other liens.

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