

CHAPTER 166.

[S. S. B. 144.]

PUBLIC IMPROVEMENT CONTRACTS.

AN ACT regulating contracts for public improvements, fixing the percentages to be retained for the protection of materialmen and laborers, giving a lien thereon, and providing for the foreclosure thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That contracts for public improvements or work by the state, or any county, city, town, district, board, or other public body, shall provide, and there shall be reserved from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to fifteen per cent. (15%) of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, sub-contractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or sub-contractors with provisions and supplies for the carrying on of such work. Said fund shall be retained for a period of thirty (30) days following the final acceptance of said improvement or work as completed, and every person performing labor or furnishing supplies towards the completion of said improvement or work shall have a lien upon said fund so reserved, provided such notice of the lien of such claimant shall be given in the manner and within the time provided in section 1161 of Remington & Ballinger's Annotated Code and Statutes of Washington as now existing and in accordance with any amendments that may hereafter be made thereto: *Provided, however, That*

Retention of
15% of
estimate.

Lien for
labor or
supplies.

Retention of
10%.

where in any improvement or work the contract price shall exceed two hundred thousand dollars (\$200,000), but ten per cent. (10%) shall be reserved on estimates in excess of said sum or where the aggregate of previous estimates equals or exceeds said amount. The provisions of this act shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Time for
full
payment.

SEC. 2. That after the expiration of thirty (30) days following the final acceptance of said improvement or work, and the expiration of the time for the filing of lien claims, as herein provided, said reserve, or all amounts thereof in excess of a sufficient sum to meet and discharge the claims of materialmen and laborers who have filed their claims, as provided for in section 1 of this act, together with a sum sufficient to defray the cost of such action and to pay attorneys' fees, shall be paid to said contractor.

Foreclosure
of liens.

SEC. 3. Any person, firm or corporation filing a lien claim against said reserve fund shall have four (4) months from the time of the filing of claims against said fund in which to bring an action for the foreclosure of such lien. The liens provided for in this chapter shall be enforced by a civil action in the superior court of the county wherein the lien was filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial, and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien that be against it. In the event the lien claimant fails to bring an action within the time provided for and limited herein, the said reserve fund shall be discharged from the lien of said claimant and the moneys so held shall be forthwith paid to the contractor: *Provided, however,* That the limitation of four (4) months provided for herein shall not be construed as a limitation upon the

right to sue the contractor or his surety where no right of foreclosure against said fund is sought.

Passed the Senate March 3, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 21, 1921.

CHAPTER 167.

[S. S. B. 8.]

SENATORIAL AND REPRESENTATIVE DISTRICTS IN SPOKANE COUNTY.

AN ACT relating to a change in the boundary lines of the Fourth, Fifth and Seventh Senatorial Districts and the Third, Fourth and Sixth Representative Districts in Spokane County, Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That the southeast quarter (SE $\frac{1}{4}$) of section twenty-eight (28), in township twenty-seven (27), North, of range forty-three (43), E. W. M., in said Spokane County, be, and the same is hereby, taken from the area composing North Colbert precinct in the Fifth Senatorial and Fourth Representative Districts, in said Spokane County, and be, and the same is hereby, added to, made a part of and incorporated into the area of Colbert precinct, situated in the Fourth Senatorial and Third Representative Districts, in said Spokane County, Washington.

Change in boundaries.

SEC. 2. That the following described area in Spokane County, Washington, being now known and designated as Cowley precinct therein, be, and the same is hereby, transferred from the Fifth Senatorial and Fourth Representative Districts to the