

RCW 15.49.071 Damages—Mediation prerequisite to legal action.

(1) When a buyer is damaged by the failure of any seed covered by this chapter to produce or perform as represented by the required label, by warranty, or as a result of negligence, the buyer, as a prerequisite to maintaining a legal action against the dealer of such seed, shall have first provided for the mediation of the claim. Any statutory period of limitations with respect to such claim shall be tolled from the date mediation proceedings are instituted until ten days after the date on which the mediation proceedings are concluded. Mediation proceedings are instituted from the date the buyer mails the dealer the buyer's complaint with its request to engage in mediation as provided under RCW 15.49.091.

(2) Conspicuous language calling attention to the requirement for mediation under this section shall be referenced or included on the analysis label required under this chapter.

(3) This section applies only to claims, or counterclaims, where the relief sought is, or includes, a monetary amount in excess of five thousand dollars. All claims for five thousand dollars or less may be commenced in either district court or small claims court.

(4) The mediation provisions under this section apply only to a dealer subject to this state's jurisdiction in relation to the buyer's claims. [2017 c 33 § 1; 2005 c 433 § 36; 1989 c 354 § 77.]

Application—Captions not law—Savings—Effective date—2005 c 433: See RCW 7.04A.290 through 7.04A.310 and 7.04A.900.

Effective date—1989 c 354 §§ 70-81 and 84-86: See note following RCW 15.49.005.

Severability—1989 c 354: See note following RCW 15.36.012.