

RCW 15.160.070 Testing of turfgrass seeds. (1) If testing as provided under a turf seed production contract establishes that turfgrass seed does not meet the quality standards set forth in the contract, the producer may at any time send the test results to the turf seed dealer and inquire whether the turf seed dealer intends to purchase the seed. If, within 30 days after the turf seed dealer receives the test results and inquiry from the producer, the turf seed dealer delivers a response informing the producer that the turf seed dealer intends to purchase the seed, the response is an accord that forms a turf seed purchase contract for the seed purchased under this subsection. Except as provided in this subsection regarding price, the parties may establish the terms of the turf seed purchase contract as provided under RCW 15.160.040. The price of the seed that is subject to the turf seed purchase contract shall be:

(a) Any price stated in the turf seed production contract for seed not meeting quality standards;

(b) If not determined by the turf seed production contract, any price agreed to by the parties; or

(c) If not determined by the turf seed production contract or by agreement, the market price for seed of the same kind and quality as the produced seed. However, a seed price established by the use of market price may not exceed any price established in the turf seed production contract for seed that meets quality standards.

(2) An accord that creates a turf seed purchase contract under subsection (1) of this section does not affect the terms of a turf seed production contract for any seed that was not described in the test results and inquiry sent by the producer.

(3) A producer may send test results and make an inquiry under subsection (1) of this section in any manner that documents turf seed dealer receipt of the test results and inquiry. A turf seed dealer may send a response under subsection (1) of this section to a producer in any manner that documents producer receipt of the response.

(4) If, within 30 days after the turf seed dealer receives the test results and inquiry from the producer, the turf seed dealer has not delivered a response informing the producer that the turf seed dealer intends to purchase the seed, the turf seed dealer is deemed to have refused purchase of the seed and to have authorized the producer to sell the seed in a commercially legal manner as variety not stated seed. This subsection does not authorize the sale of any seed, seed stock, or plant life of a protected variety grown or used by the producer other than a sale of seed as variety not stated seed. The remedy provided under this subsection is in addition to any other remedy available to a producer by law. An authorization for sale arising under this subsection is in addition to any other conditional or unconditional authorization for sale that a turf seed dealer may grant to a producer. [2025 c 117 s 7.]