
HOUSE BILL 1479

State of Washington 61st Legislature 2009 Regular Session

By Representatives Orcutt, Blake, McCune, Herrera, and Hudgins

Read first time 01/21/09. Referred to Committee on Judiciary.

1 AN ACT Relating to the prohibition of adverse possession claims;
2 amending RCW 4.16.020 and 7.28.150; adding a new section to chapter
3 7.28 RCW; and repealing RCW 7.28.050, 7.28.060, 7.28.070, 7.28.080,
4 7.28.085, 7.28.090, 7.28.100, 7.28.160, 7.28.170, and 7.28.180.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.28 RCW
7 to read as follows:

8 An action to quiet title may not be supported by a statutory or
9 common law claim of adverse possession.

10 **Sec. 2.** RCW 4.16.020 and 2002 c 261 s 2 are each amended to read
11 as follows:

12 The period prescribed for the commencement of actions shall be as
13 follows:

14 Within ten years:

15 (1) For actions for the recovery of real property(~~(of)~~) or for the
16 recovery of the possession (~~(thereof; and)~~) of real property, where the
17 cause of action arose before the effective date of this section, no
18 action shall be maintained for such recovery unless it appears that the

1 plaintiff, his or her ancestor, predecessor or grantor was seized or
2 possessed of the premises in question within ten years before the
3 commencement of the action.

4 (2) For an action upon a judgment or decree of any court of the
5 United States, or of any state or territory within the United States,
6 or of any territory or possession of the United States outside the
7 boundaries thereof, or of any extraterritorial court of the United
8 States, unless the period is extended under RCW 6.17.020 or a similar
9 provision in another jurisdiction.

10 (3) Of the eighteenth birthday of the youngest child named in the
11 order for whom support is ordered for an action to collect past due
12 child support that has accrued under an order entered after July 23,
13 1989, by any of the above-named courts or that has accrued under an
14 administrative order as defined in RCW 74.20A.020(6), which is issued
15 after July 23, 1989.

16 **Sec. 3.** RCW 7.28.150 and Code 1881 s 541 are each amended to read
17 as follows:

18 The plaintiff shall only be entitled to recover damages for
19 withholding the property for the term of six years next preceding the
20 commencement of the action, and for any period that may elapse from
21 such commencement, to the time of giving a verdict therein, exclusive
22 of the use of permanent improvements made by the defendant. ((When
23 permanent improvements have been made upon the property by the
24 defendant, or those under whom he claims holding under color of title
25 adversely to the claim of the plaintiff, in good faith, the value
26 thereof at the time of trial shall be allowed as a setoff against such
27 damages.))

28 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
29 repealed:

30 (1) RCW 7.28.050 (Limitation of actions for recovery of real
31 property--Adverse possession under title deducible of record) and 1893
32 c 11 s 1;

33 (2) RCW 7.28.060 (Rights inhere to heirs, devisees and assigns) and
34 1893 c 11 s 2;

35 (3) RCW 7.28.070 (Adverse possession under claim and color of
36 title--Payment of taxes) and 1893 c 11 s 3;

1 (4) RCW 7.28.080 (Color of title to vacant and unoccupied land) and
2 1893 c 11 s 4;
3 (5) RCW 7.28.085 (Adverse possession--Forest land--Additional
4 requirements--Exceptions) and 1998 c 57 s 1;
5 (6) RCW 7.28.090 (Adverse possession--Public lands--Adverse title
6 in infants, etc) and 1977 ex.s. c 80 s 7, 1971 ex.s. c 292 s 7, & 1893
7 c 11 s 5;
8 (7) RCW 7.28.100 (Construction) and 1893 c 11 s 6;
9 (8) RCW 7.28.160 (Defendant's counterclaim for permanent
10 improvements and taxes paid) and 1903 c 137 s 1;
11 (9) RCW 7.28.170 (Defendant's counterclaim for permanent
12 improvements and taxes paid--Pleadings, issues and trial on
13 counterclaim) and 1903 c 137 s 2; and
14 (10) RCW 7.28.180 (Defendant's counterclaim for permanent
15 improvements and taxes paid--Judgment on counterclaim--Payment) and
16 1903 c 137 s 3.

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