
SENATE BILL 5778

State of Washington

52nd Legislature

1991 Regular Session

By Senators Newhouse and Hansen.

Read first time February 20, 1991. Referred to Committee on
Agriculture & Water Resources.

1 AN ACT Relating to the filing of a report of damage due to the use
2 or application of a pesticide; amending RCW 17.21.190; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 17.21.190 and 1989 c 380 s 51 are each amended to read
6 as follows:

7 Any person suffering property loss or damage resulting from the use
8 or application by others of any pesticide shall file with the director
9 a verified report of loss setting forth, so far as known to the
10 claimant, the following:

11 (1) The name and address of the claimant.

12 (2) The type, kind, property alleged to be injured or damaged.

13 (3) The name of the person applying the pesticide and allegedly
14 responsible.

1 (4) The name of the owner or occupant of the property for whom such
2 application of the pesticide was made.

3 The report shall be filed within thirty days from the time that the
4 property loss or damage becomes known to the claimant. If a growing
5 crop is alleged to have been damaged, the report shall be filed prior
6 to harvest of fifty percent of that crop, unless the loss or damage was
7 not then known. The department shall establish time periods by rule to
8 determine investigation response time. Time periods shall range from
9 immediate to forty-eight hours to initiate an investigation, depending
10 on the severity of the damage.

11 Any person filing a report of loss under this section shall
12 cooperate with the department in conducting an investigation of such a
13 report and shall provide the department or authorized representatives
14 of the department access to any affected property and any other
15 necessary information relevant to the report. If a claimant refuses to
16 cooperate with the department, the report shall not be acted on by the
17 department.

18 The filing of such report or the failure to file such a report need
19 not be alleged in any complaint which might be filed in a court of law,
20 and the failure to file the report shall not be considered any bar to
21 the maintenance of any criminal or civil action.

22 The failure to file such a report shall not be a violation of this
23 chapter. However, if the person failing to file such report is the
24 only one suffering loss from such use or application of a pesticide by
25 a pesticide applicator or operator, the director may refuse to act upon
26 the complaint.

27 NEW SECTION. Sec. 2. This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and shall take

1 effect immediately.