

CERTIFICATION OF ENROLLMENT

SENATE BILL 6080

Chapter 280, Laws of 1994

53rd Legislature
1994 Regular Session

AGRICULTURAL AND FOREST LANDS--PROPERTY DAMAGE LIABILITY

EFFECTIVE DATE: 6/9/94

Passed by the Senate March 8, 1994
YEAS 46 NAYS 1

JOEL PRITCHARD

President of the Senate

Passed by the House March 3, 1994
YEAS 91 NAYS 4

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6080** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 1, 1994 - 2:28 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6080

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Senators Owen, Oke, Hargrove, Amondson, Haugen, Snyder, Morton, M. Rasmussen and Roach

Read first time 01/12/94. Referred to Committee on Natural Resources.

1 AN ACT Relating to wrongful property damage to agricultural and
2 forest lands; amending RCW 79.01.760; adding a new section to chapter
3 4.24 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) Every person who goes onto the land of another and who removes
8 timber, crops, minerals, or other similar valuable property from the
9 land, or wrongfully causes waste or injury to the land, or wrongfully
10 injures personal property or improvements to real estate on the land,
11 is liable to the injured party for treble the amount of the damages
12 caused by the removal, waste, or injury. For purposes of this section,
13 a person acts "wrongfully" if the person intentionally and unreasonably
14 commits the act or acts while knowing, or having reason to know, that
15 he or she lacks authorization to so act. Damages recoverable under
16 this section include, but are not limited to, damages for the market
17 value of the property removed or injured, and for injury to the land,
18 including the costs of restoration. In addition, the person is liable
19 for reimbursing the injured party for the party's reasonable costs,

1 including but not limited to investigative costs and reasonable
2 attorneys' fees and other litigation-related costs.

3 (2) This section does not apply in any case where liability for
4 damages is provided under RCW 64.12.030, 79.01.756, 79.01.760, or
5 79.40.070.

6 **Sec. 2.** RCW 79.01.760 and 1993 c 266 s 1 are each amended to read
7 as follows:

8 (1) Every person who, without authorization, uses or occupies
9 public lands, removes (~~((anything of value))~~) any valuable material as
10 defined in RCW 79.01.038 from public lands, or causes waste or damage
11 to public lands, or injures publicly owned personal property or
12 publicly owned improvements to real property on public lands, is liable
13 to the state for treble the amount of the damages. However, liability
14 shall be for single damages if the department of natural resources
15 determines, or the person proves upon trial, that the person, at time
16 of the unauthorized act or acts, did not know, or have reason to know,
17 that he or she lacked authorization. Damages recoverable under this
18 section include, but are not limited to, the market value of the use,
19 occupancy, or things removed, had the use, occupancy, or removal been
20 authorized; and any damages caused by injury to the land, publicly
21 owned personal property or publicly owned improvement, including the
22 costs of restoration. In addition, the person is liable for
23 reimbursing the state for its reasonable costs, including but not
24 limited to, its administrative costs, survey costs to the extent they
25 are not included in damages awarded for restoration costs, and its
26 reasonable attorneys' fees and other legal costs.

27 (2) This section does not apply in any case where liability for
28 damages is provided under RCW 64.12.030, section 1 of this act,
29 79.01.756, or 79.40.070.

30 (3) The department of natural resources is authorized and directed
31 to investigate all trespasses and wastes upon, and damages to, public
32 lands of the state, and to cause prosecutions for, and/or actions for
33 the recovery of, the same, to be commenced as is provided by law.

Passed the Senate March 8, 1994.

Passed the House March 3, 1994.

Approved by the Governor April 1, 1994.

Filed in Office of Secretary of State April 1, 1994.