
SUBSTITUTE SENATE BILL 6161

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Fraser, Smith, Thibaudeau, Kohl, Fairley, Sellar, Rasmussen, Sheldon, Prince, Long, Moyer, Finkbeiner and Winsley)

Read first time 02/01/96.

1 AN ACT Relating to payment of attorneys' fees and costs in actions
2 for damages to trees, timber, or shrubs; and amending RCW 64.12.030 and
3 64.12.040.

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

5 **Sec. 1.** RCW 64.12.030 and Code 1881 s 602 are each amended to read
6 as follows:

7 Whenever any person shall cut down, girdle (~~((or otherwise))~~),
8 injure, (~~((or))~~) carry off, or diminish the value of any tree, timber, or
9 shrub on the land of another person, or on the street or highway in
10 front of any person's house, (~~((village,))~~) town, or city lot, or
11 cultivated grounds, or on (~~((the commons or public grounds of any
12 village, town or city, or on the street or highway in front thereof))~~)
13 any public property of a political subdivision or right of way, without
14 lawful authority, in (~~((an))~~) a civil action (~~((by such person, village,
15 town or city against the person committing such trespasses or any of
16 them))~~) for damages, if judgment be given for the plaintiff, it shall be
17 given for treble the amount of damages (~~((claimed or assessed therefor,
18 as the case may be))~~) awarded, including reasonable attorneys' fees and
19 costs.

1 **Sec. 2.** RCW 64.12.040 and Code 1881 s 603 are each amended to read
2 as follows:

3 If (~~upon trial of such~~) in any action under RCW 64.12.030, it
4 (~~shall appear~~) is determined that the (~~trespass was~~) defendant's
5 actions were casual or involuntary, or that the defendant had probable
6 cause to believe that the land on which (~~such trespass was~~) he or she
7 committed the act was his or her own((~~τ~~)) or that of the person in
8 whose service or by whose direction the act was done, or that such tree
9 or timber was taken from uninclosed woodlands((~~τ~~)) for the purpose of
10 repairing any public highway or bridge upon the land or adjoining it,
11 judgment shall only be given for single damages, including reasonable
12 attorneys' fees and costs.

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