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SENATE BILL 6161

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State of Washington

54th Legislature

1996 Regular Session

By Senators Fraser, Smith, Thibaudeau, Kohl, Fairley, Sellar, Rasmussen, Sheldon, Prince, Long, Moyer, Finkbeiner and Winsley

Read first time 01/08/96. Referred to Committee on Law & Justice.

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 injure, or  
8 carry off any tree, timber, or shrub on the land of another person, or  
9 on the street or highway in front of any person's house, village, town,  
10 or city lot, or cultivated grounds, or on the commons or public grounds  
11 of any village, town, or city, or on the street or highway in front  
12 thereof, without lawful authority, in an action by such person,  
13 village, town, or city against the person committing such trespasses or  
14 any of them, if judgment be given for the plaintiff, it shall be given  
15 for treble the amount of damages claimed or assessed therefor, as the  
16 case may be, including reasonable attorneys' fees and costs.

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

1        If upon trial of such action it shall appear that the trespass was  
2 casual or involuntary, or that the defendant had probable cause to  
3 believe that the land on which such trespass was committed was his or  
4 her own, or that of the person in whose service or by whose direction  
5 the act was done, or that such tree or timber was taken from uninclosed  
6 woodlands, for the purpose of repairing any public highway or bridge  
7 upon the land or adjoining it, judgment shall only be given for single  
8 damages, including reasonable attorneys' fees and costs.

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