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HOUSE BILL 1127

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Schoesler, Buck, G. Chandler, Sump, Kessler and Campbell

Read first time 01/15/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to timber trespass; and amending RCW 64.12.030,  
2 64.12.040, and 79.40.070.

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

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

6 Whenever any person shall cut down, girdle, or otherwise injure, or  
7 carry off any tree, timber, or shrub on the land of another person, or  
8 on the street or highway in front of any person's house, village, town,  
9 or city lot, or cultivated grounds, or on the commons or public grounds  
10 of any village, town, or city, or on the street or highway in front  
11 thereof, without lawful authority, in an action by such person,  
12 village, town, or city against the person committing such trespasses or  
13 any of them, if judgment be given for the plaintiff, it shall be given  
14 for treble the amount of damages claimed or assessed therefor, as the  
15 case may be. If judgment is given for the plaintiff, the defendant is  
16 liable for all costs authorized by law, including expenses listed in  
17 RCW 4.84.010 and reasonable attorneys' fees.

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 action it shall appear that the trespass was  
4 casual or involuntary, or that the defendant had probable cause to  
5 believe that the land on which such trespass was committed was his or  
6 her own, or that of the person in whose service or by whose direction  
7 the act was done, or that such tree or timber was taken from uninclosed  
8 woodlands, for the purpose of repairing any public highway or bridge  
9 upon the land or adjoining it, judgment shall only be given for single  
10 damages. If judgment is given for the plaintiff, the defendant is  
11 liable for all costs authorized by law, including expenses listed in  
12 RCW 4.84.010 and reasonable attorneys' fees.

13       **Sec. 3.** RCW 79.40.070 and 1988 c 128 s 66 are each amended to read  
14 as follows:

15       It shall be unlawful for any person to enter upon any of the state  
16 lands, including all land under the jurisdiction of the department of  
17 natural resources, or upon any private land without the permission of  
18 the owner thereof and to cut, break, or remove therefrom for commercial  
19 purposes any evergreen trees, commonly known as Christmas trees,  
20 including fir, hemlock, spruce, and pine trees. Any person cutting,  
21 breaking, or removing or causing to be cut, broken, or removed, or who  
22 cuts down, cuts off, breaks, tops, or destroys any of such Christmas  
23 trees shall be liable to the state, or to the private owner thereof,  
24 for payment for such trees at a price of one dollar each if payment is  
25 made immediately upon demand. Should it be necessary to institute  
26 civil action to recover the value of such trees, the state in the case  
27 of state lands, or the owner in case of private lands, may exact treble  
28 damages on the basis of three dollars per tree for each tree so cut or  
29 removed. If judgment is given for the plaintiff, the defendant is  
30 liable for all costs authorized by law, including expenses listed in  
31 RCW 4.84.010 and reasonable attorneys' fees.

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