

# SENATE BILL REPORT

## SB 6161

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As Reported By Senate Committee On:  
Law & Justice, January 31, 1996

**Title:** An act relating to payment of attorneys' fees and costs in actions for damages to trees, timber, or shrubs.

**Brief Description:** Authorizing payment of attorneys' fees and costs in actions for damages to trees, timber, or shrubs.

**Sponsors:** Senators Fraser, Smith, Thibaudeau, Kohl, Fairley, Sellar, Rasmussen, Sheldon, Prince, Long, Moyer, Finkbeiner and Winsley.

**Brief History:**

**Committee Activity:** Law & Justice: 1/18/96, 1/31/96 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, McCaslin and Quigley.

**Minority Report:** Do not pass substitute.

Signed by Senator Haugen.

**Staff:** Dick Armstrong (786-7460)

**Background:** Existing law allows a person, including political subdivisions, whose trees or shrubs have been cut or injured without permission to collect triple damages for such wrongful conduct. Triple damages are not allowed if the offender had probable cause to believe the land was his or her own or that trespass was casual or involuntary.

The triple damages statute has been beneficial to large landowners whose trees are removed on a large scale, but it is not useful in situations where a trespasser damages only one or two trees (usually to enhance a view). The statute has not been as helpful in the latter situation because the attorney's fees to enforce the statute are often larger than the actual damage to the trees, even with the triple damages.

It is suggested that amending the statute to allow for the recovery of attorney's fees and costs would enable more victims to exercise their statutory rights.

**Summary of Substitute Bill:** In addition to existing remedies, a person whose trees and shrubs are wrongfully cut or damaged may also collect attorney's fees and costs. Damages may be awarded if a person diminishes the value of another person's trees without legal authority. Technical amendments are made to the statute.

**Substitute Bill Compared to Original Bill:** The substitute bill allows a landowner to collect damages if another person diminishes the value of the owner's trees. The substitute bill makes technical changes to modernize the language of the existing statute.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Occasionally, homeowners illegally cut down trees of a neighbor to improve the homeowner's view, but the trespassers don't suffer any consequences because the damage is not sufficient to pay for the hiring of an attorney. This bill will allow the small homeowner to pursue the remedies provided in the law.

**Testimony Against:** None.

**Testified:** Cass Turnbull, Plant Amnesty; Mark McPherson, attorney; Terry Froggatt, citizen.