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**HOUSE BILL 1699**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Blake, Kretz, Orcutt, Dent, Short, and Condotta

AN ACT Relating to legal immunity in instances of citizen-initiated wildfire control; and adding a new section to chapter 4.24 RCW.

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

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

(1) An individual may, consistent with this section, enter privately owned or publicly owned land for the purposes of attempting to extinguish or control a wildfire, regardless of whether the individual owns the land. No civil or criminal liability may be imposed by any court for any direct or proximate adverse impacts resulting from an individual's access to privately owned or publicly owned land for the purposes of attempting to extinguish or control a wildfire, except upon proof of gross negligence or willful or wanton misconduct by the individual.

(a) An individual may enter privately owned or publicly owned land under this subsection (1) only if:

(i) There is an active fire on the land;

(ii) The individual has a reasonable belief that the local fire conditions are creating an emergency situation and that there is an imminent danger of a fire growing or spreading from the parcel of the privately owned or publicly owned land being entered;

(iii) The individual has a reasonable belief that preventive measures will extinguish or control the wildfire;

(iv) The individual has a reasonable belief that he or she is capable of taking preventive measures; and

(v) The individual notifies the landowner, lessee, occupant, or emergency personnel prior to entering the land or within a reasonable time after the individual attempts to extinguish or control the wildfire.

(b) Nothing in this subsection (1) authorizes any person to materially benefit from accessing privately owned or publicly owned land or retain any valuable materials that may be collected or harvested during the time the individual attempts to extinguish or control the wildfire.

(c) The authority to enter privately owned or publicly owned land under this subsection (1) is limited to the minimum necessary activities reasonably required to extinguish or control the wildfire.

(d) Nothing in this subsection (1) confers a duty or obligation on a person to attempt to extinguish or control a wildfire.

(2)(a) No civil or criminal liability may be imposed by any court on the owner, lessee, or occupant of any land accessed as permitted under subsection (1) of this section for any direct or proximate adverse impacts resulting from the access to privately owned or publicly owned land allowed under subsection (1) of this section, except upon proof of gross negligence or willful or wanton misconduct by the owner, lessee, or occupant. The barriers to civil and criminal liability imposed by this subsection include, but are not limited to, impacts on:

(i) The individual accessing the privately owned or publicly owned land and the individual's personal property, including loss of life;

(ii) Any structures or land alterations constructed by individuals entering the privately owned or publicly owned land;

(iii) Other landholdings; and

(iv) Overall environmental resources.

(b) This subsection (2) does not apply in any case where liability for damages is provided under RCW 4.24.040.

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