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## Judiciary Committee

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### HB 2640

**Title:** An act relating to limiting liability for registered apiarists.

**Brief Description:** Limiting liability for registered apiarists.

**Sponsors:** Representatives Buys, Peterson, Pike, Lytton, Stambaugh and Blake.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Limits liability of apiary owners and operators for civil damages.</li></ul>
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**Hearing Date:** 1/31/18

**Staff:** Cece Clynych (786-7195).

**Background:**

Tort Liability and Immunity.

Negligence is the failure to exercise ordinary care and is a type of tort liability. The plaintiff in a negligence action must establish four things: (1) the defendant owed a duty of care to the plaintiff; (2) the defendant breached that duty; (3) the plaintiff suffered injury or damage; and (4) the breach was a proximate cause of the injury or damage.

There are a variety of statutes that provide some form of immunity from negligence liability to certain persons or entities. For example, the equine activity immunity statute provides immunity to equine professionals and organizations or facilities (such as riding clubs, 4-H clubs, stables, and fairs) for injuries caused to participants in equine activities. This immunity does not apply in all situations, including where the injury was caused by an intentional act or resulted from a willful or wanton disregard for the person's safety, or where there was a known dangerous latent condition that was not conspicuously posted with a warning sign.

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## Bees and Apiaries.

Chapter 15.60 RCW establishes apiary registration requirements and authorizes apiary coordinated areas.

### *Definitions.*

- "Apiary" means a site where hives of bees or hives are kept or found.
- "Apiarist" means any person who owns bees or is a keeper of bees.
- "Hive" means a manufactured receptacle or container prepared for the use of bees that includes movable frames, combs, and substances deposited into the hive by bees.
- "Colony" refers to a natural group of bees having a queen or queens.
- "Person" means a natural person, individual, firm, partnership, company, society, association, corporation, or every officer, agent, or employee of one of these entities.
- "Broker" means a person who is engaged in pollinating agricultural crops for a fee using hives that are owned by another person.

### *Registration requirements.*

Each person owning one or more hives with bees, brokers renting hives, and apiarists resident in other states who operate hives in Washington must register annually with the Department of Agriculture (Department). In 2018, fees for owners range from \$5 for one to five colonies and up to \$300 for 1,001 or more colonies. Fees for brokers range from \$100 for one to 500 colonies and up to \$300 for 1,001 or more colonies. The Department issues each registered apiarist or broker an apiarist identification number.

### *Apiary Coordinated Areas.*

Counties may establish apiary coordinated areas. In these areas, counties may regulate the maximum allowable number of hives per site, the minimum allowable distance between sites, and the minimum required setback from property lines. The county legislative authority of a county with a population of 40,000 to less than 70,000 located east of the crest of the Cascade Mountains and bordering the southern side of the Snake River is additionally empowered to designate certain territories (not less than two square miles in any such territory) and specify the time of year the regulations shall be in effect.

### **Summary of Bill:**

A person who owns or operates an apiary and meets the qualifying requirements set forth below is not liable for any civil damages that occur in connection with the keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, and appliances. In order to qualify, the apiary owner or operator must:

- be a registered apiarist;
- abide by all applicable city, town, or county ordinances regarding beekeeping; and
- operate the apiary in a reasonable manner and in accordance with generally accepted beekeeping practices.

This limitation of liability does not apply to willful or wanton misconduct.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.