
SUBSTITUTE HOUSE BILL 1322

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Sheldon, Morton, R. Johnson and Pruitt)

Read first time 02/25/93.

1 AN ACT Relating to trespass or waste of public lands; and amending
2 RCW 79.01.760.

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

4 **Sec. 1.** RCW 79.01.760 and 1927 c 255 s 200 are each amended to
5 read as follows:

6 (1) Every person who, without authorization, uses or occupies
7 public lands, removes anything of value from public lands, or causes
8 waste or damage to public lands, is liable to the state for treble the
9 amount of the damages. However, liability shall be for single damages
10 if the department of natural resources determines, or the person proves
11 upon trial, that the person, at the time of the unauthorized act or
12 acts, did not know, or have reason to know, that he or she lacked
13 authorization. Damages recoverable under this section include, but are
14 not limited to, the market value of the use, occupancy, or things
15 removed, had the use, occupancy, or removal been authorized; and any
16 damages caused by injury to the land, including the costs of
17 restoration. In addition, the person is liable for reimbursing the
18 state for its reasonable costs, including but not limited to, its
19 administrative costs, survey costs to the extent they are not included

1 in damages awarded for restoration costs, and its reasonable attorneys'
2 fees and other legal costs.

3 (2) This section does not apply in any case where liability for
4 damages is provided under RCW 64.12.030, 79.01.756, or 79.40.070.

5 ((The commissioner of public lands)) (3) The department of natural
6 resources is authorized and directed to investigate all trespasses and
7 wastes upon, and damages to, public lands of the state, and to cause
8 prosecutions for, and/or actions for the recovery of, the same, to be
9 commenced as is provided by law.

--- END ---