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HOUSE BILL 2386

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Rayburn, Sheldon, Schoesler, Pruitt, Grant, Linville, McMorris, Dunshee, Valle, Wolfe, Chandler, Stevens, Campbell, Fuhrman, Lisk, Kremen, Dyer, Chappell, Ballard and Jones

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to wrongful property damage to agricultural and  
2 forest lands; adding a new section to chapter 4.24 RCW; creating a new  
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that forest lands and  
6 agricultural lands, which are generally located in sparsely populated  
7 and remote areas, are particularly vulnerable to wrongful property  
8 damage, especially vandalism and theft; and that wrongful property  
9 damage presents a serious economic threat to many owners of forest and  
10 agricultural lands. Section 2 of this act is enacted to help prevent  
11 wrongful property damage to such lands.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW  
13 to read as follows:

14 (1) Every person who goes onto open space land as defined in this  
15 section and who wrongfully uses or occupies the land, wrongfully  
16 removes anything of value from the land, or wrongfully causes waste or  
17 injury to the land, is liable to the injured party for treble the  
18 amount of the damages caused by the use, occupation, removal, waste, or

1 injury. For purposes of this section, a person acts "wrongfully" if  
2 the person intentionally and unreasonably commits the act or acts while  
3 knowing, or having reason to know, that he or she lacks authorization  
4 therefor. Damages recoverable under this section include, but are not  
5 limited to, damages for the market value of the use, occupancy, or  
6 things removed, and for injury to the land, including the costs of  
7 restoration. In addition, the person is liable for reimbursing the  
8 injured party for the party's reasonable costs, including but not  
9 limited to investigative costs and reasonable attorneys' fees and other  
10 litigation-related costs.

11 (2) For purposes of this section, "open space land" means any land  
12 that, at the time of the wrongful act or acts, is (a) "farm and  
13 agricultural land" with current use classification under chapter 84.34  
14 RCW; (b) "timber land" with current use classification under chapter  
15 84.34 RCW; (c) "forest land" with forest land valuation under chapter  
16 84.33 RCW; or (d) lands designated as "agricultural lands" or "forest  
17 lands" under RCW 36.70A.170.

18 (3) This section does not apply in any case where liability for  
19 damages is provided under RCW 64.12.030, 79.01.756, 79.01.760, or  
20 79.40.070.

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