

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2516**

Chapter 263, Laws of 1994

53rd Legislature  
1994 Regular Session

DAMAGES CAUSED BY TRESPASSING ANIMALS--LIABILITY MODIFIED

EFFECTIVE DATE: 6/9/94

Passed by the House February 11, 1994  
Yeas 94 Nays 0

BRIAN EBERSOLE

**Speaker of the  
House of Representatives**

Passed by the Senate March 3, 1994  
Yeas 46 Nays 1

JOEL PRITCHARD

**President of the Senate**

Approved April 1, 1994

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2516** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

**Chief Clerk**

FILED

April 1, 1994 - 2:11 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2516**

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Passed Legislature - 1994 Regular Session

**State of Washington                      53rd Legislature                      1994 Regular Session**

**By** House Committee on Agriculture & Rural Development (originally sponsored by Representatives Jones, King and Rayburn)

Read first time 02/04/94.

1            AN ACT Relating to limiting liability for damage resulting from  
2 wildlife-induced fence destruction; amending RCW 16.04.015 and  
3 16.24.140; and adding a new section to chapter 16.04 RCW.

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

5            **Sec. 1.** RCW 16.04.015 and 1989 c 286 s 2 are each amended to read  
6 as follows:

7            Except as provided under section 3 of this act, whenever any  
8 animals trespass as provided in RCW 16.04.010, the owner or person  
9 having possession of such animal shall be liable for all damages the  
10 owner or occupant may sustain by reason of such trespass.

11           **Sec. 2.** RCW 16.24.140 and 1989 c 286 s 13 are each amended to read  
12 as follows:

13           Upon claiming any animal impounded under this chapter, the owner  
14 shall pay all costs of transportation, advertising, legal proceedings,  
15 and keep of the animal, except as provided under section 3 of this act.

16           NEW SECTION. **Sec. 3.** A new section is added to chapter 16.04 RCW  
17 to read as follows:

1        If damages are caused by a trespassing animal, neither the state  
2 nor the owner of the animal shall be liable if the owner of the animal  
3 can prove that the trespass is due to damage caused by wildlife to a  
4 lawful fence and, in a stock restricted area, the owner of the animal  
5 did not have a reasonable opportunity to repair the fence. The state  
6 shall pay all costs of transportation, advertising, legal proceedings,  
7 and keep of an animal that has been restrained pursuant to RCW  
8 16.04.010. Claims filed under this section shall be processed  
9 according to the procedures under chapter 4.92 RCW.

Passed the House February 11, 1994.

Passed the Senate March 3, 1994.

Approved by the Governor April 1, 1994.

Filed in Office of Secretary of State April 1, 1994.