
HOUSE BILL 3002

State of Washington

58th Legislature

2004 Regular Session

By Representatives Cooper, Lovick, Romero and Chase; by request of Washington State Patrol

Read first time 01/26/2004. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to regulation of outdoor burning; adding a new
2 section to chapter 48.48 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.48 RCW
5 to read as follows:

6 (1) Whenever the state fire marshal finds that conditions of
7 extreme fire hazard exist and that state resources or the protection of
8 life and property may be in danger, the fire marshal may recommend to
9 the governor that the governor prohibit all outdoor burning on public
10 and private land throughout the state or within specific portions of
11 the state.

12 (2) Prior to making such a recommendation the state fire marshal
13 must first consult with:

- 14 (a) The commissioner of public lands;
- 15 (b) The director of the department of ecology;
- 16 (c) The director of the department of agriculture; and
- 17 (d) The director of state parks.

18 (3) Upon receiving such a recommendation from the state fire
19 marshal, if the governor finds that state resources or the protection

1 of life and property are in danger then the governor may issue an
2 executive order forbidding all outdoor burning throughout the state or
3 within specific portions of the state. The order shall be in effect
4 until rescinded by the governor. The order may allow for specific
5 exceptions to be made where the governor determines that certain
6 outdoor burning will not unduly endanger state resources nor the
7 protection of life and property, and subject to limitations and
8 conditions as recommended by the state fire marshal.

9 (4) It shall be unlawful for any person to conduct or cause to be
10 conducted any outdoor burning at any time and place as is forbidden by
11 an executive order issued pursuant to subsection (3) of this section.

12 (a) Intentional violation of this section is a crime and shall be
13 punished as a gross misdemeanor.

14 (b) Negligent violation of this section is a class 1 civil
15 infraction pursuant to chapter 7.80 RCW.

16 (5) In addition to the penalty provided in subsection (4) of this
17 section, any injured party may bring a civil cause of action for
18 violation of an executive order issued pursuant to subsection (3) of
19 this section. A person may be liable under such an action for actual
20 damages and reasonable attorneys' fees, court costs, and investigative
21 costs incurred in bringing the action.

22 (6) For the purposes of this section, "outdoor burning" means the
23 combustion of material of any type in an open fire or in an outdoor
24 container without providing for the control of combustion or the
25 control of emissions from the combustion.

26 (7) The state fire marshal may adopt rules necessary to implement
27 this section.

28 (8) The provisions of this section shall be enforced by any general
29 or limited authority Washington peace officer as those terms are
30 defined in RCW 10.93.020 or may be enforced by any district, city,
31 county, and/or state fire authority.

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