

**RCW 4.24.060 Application of common law.** The common law right to an action for damages done by fires, is not taken away or diminished by RCW 4.24.040, 4.24.050, and 4.24.060. However:

(1) Any person availing himself or herself of the provisions of RCW 4.24.040, shall be barred of his or her action at common law for the damage so sued for;

(2) No action shall be brought at common law for kindling fires in the manner described in RCW 4.24.050. However, if any such fires shall spread and do damage, the person who kindled the fire and any person present and concerned in driving the lumber, by whose act or neglect the fire is suffered to spread and do damage shall be liable in an action on the case for the amount of damages thereby sustained; and

(3) A civil action for property damage to public or private forested lands, including real and personal property on those lands, resulting from a fire that started on or spread from public or private forested lands may be brought only under RCW 76.04.760. [2014 c 81 § 3; 2011 c 336 § 93; 1983 c 3 § 5; Code 1881 § 1229; 1877 p 300 § 6; RRS § 5649.]

**Authority of chapter—Application—2014 c 81:** See notes following RCW 76.04.760.