

2 **SB 6080** - H AMD

3 By Representative Appelwick

4 ADOPTED 3/3/94

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
8 to read as follows:

9 (1) Every person who goes onto the land of another and who removes
10 timber, crops, minerals, or other similar valuable property from the
11 land, or wrongfully causes waste or injury to the land, or wrongfully
12 injures personal property or improvements to real estate on the land,
13 is liable to the injured party for treble the amount of the damages
14 caused by the removal, waste, or injury. For purposes of this section,
15 a person acts "wrongfully" if the person intentionally and unreasonably
16 commits the act or acts while knowing, or having reason to know, that
17 he or she lacks authorization to so act. Damages recoverable under
18 this section include, but are not limited to, damages for the market
19 value of the property removed or injured, and for injury to the land,
20 including the costs of restoration. In addition, the person is liable
21 for reimbursing the injured party for the party's reasonable costs,
22 including but not limited to investigative costs and reasonable
23 attorneys' fees and other litigation-related costs.

24 (2) This section does not apply in any case where liability for
25 damages is provided under RCW 64.12.030, 79.01.756, 79.01.760, or
26 79.40.070.

27 **Sec. 2.** RCW 79.01.760 and 1993 c 266 s 1 are each amended to read
28 as follows:

29 (1) Every person who, without authorization, uses or occupies
30 public lands, removes (~~((anything of value))~~) any valuable material as
31 defined in RCW 79.01.038 from public lands, or causes waste or damage
32 to public lands, or injures publicly owned personal property or
33 publicly owned improvements to real property on public lands, is liable
34 to the state for treble the amount of the damages. However, liability
35 shall be for single damages if the department of natural resources

1 determines, or the person proves upon trial, that the person, at time
2 of the unauthorized act or acts, did not know, or have reason to know,
3 that he or she lacked authorization. Damages recoverable under this
4 section include, but are not limited to, the market value of the use,
5 occupancy, or things removed, had the use, occupancy, or removal been
6 authorized; and any damages caused by injury to the land, publicly
7 owned personal property or publicly owned improvement, including the
8 costs of restoration. In addition, the person is liable for
9 reimbursing the state for its reasonable costs, including but not
10 limited to, its administrative costs, survey costs to the extent they
11 are not included in damages awarded for restoration costs, and its
12 reasonable attorneys' fees and other legal costs.

13 (2) This section does not apply in any case where liability for
14 damages is provided under RCW 64.12.030, section 1 of this act,
15 79.01.756, or 79.40.070.

16 (3) The department of natural resources is authorized and directed
17 to investigate all trespasses and wastes upon, and damages to, public
18 lands of the state, and to cause prosecutions for, and/or actions for
19 the recovery of, the same, to be commenced as is provided by law."

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