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SB 6080 - H AMD 1261 ADOPTED 3-3-94

2 By Representative Appelwick and Padden

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter
6 4.24 RCW to read as follows:

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

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

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29 **Sec. 2.** RCW 79.01.760 and 1993 c 266 ú 1 are each amended
30 to read as follows:

31 (1) Every person who, without authorization, uses or
32 occupies public lands, removes (~~(anything of value)~~)any valuable

1 material as defined in RCW 79.01.038 from public lands, or causes
2 waste or damage to public lands, or injures publicly owned
3 personal property or publicly owned improvements to real property
4 on public lands, is liable to the state for treble the amount of
5 the damages. However, liability shall be for single damages if
6 the department of natural resources determines, or the person
7 proves upon trial, that the person, at time of the unauthorized
8 act or acts, did not know, or have reason to know, that he or she
9 lacked authorization. Damages recoverable under this section
10 include, but are not limited to, the market value of the use,
11 occupancy, or things removed, had the use, occupancy, or removal
12 been authorized; and any damages caused by injury to the land,
13 publicly owned personal property or publicly owned improvement,
14 including the costs of restoration. In addition, the person is
15 liable for reimbursing the state for its reasonable costs,
16 including but not limited to, its administrative costs, survey
17 costs to the extent they are not included in damages awarded for
18 restoration costs, and its reasonable attorneys' fees and other
19 legal costs.

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

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