

HOUSE BILL REPORT

SHB 2516

As Passed Legislature

Title: An act relating to limiting liability for damage resulting from wildlife-induced fence destruction.

Brief Description: Limiting the liability for damage resulting from wildlife-induced fence destruction.

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

Brief History:

Reported by House Committee on:

Agriculture & Rural Development, February 3, 1994, DPS;
Passed House, February 11, 1994, 94-0;
Passed Legislature.

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Chappell; Grant; Lisk; McMorris and Roland.

Staff: Kenneth Hirst (786-7105).

Background: In an open range area, the owner of livestock is liable for the damages caused by livestock that trespass on property properly enclosed. In a stock-restricted area, the owner of the livestock is liable for the damage caused by livestock which are not properly enclosed and which trespass on the property of others.

Summary of Bill: The owner of livestock is no longer liable for the damages caused by the livestock while the livestock is trespassing on the property of others if the owner can prove that the trespass is due to damage caused by wildlife to a lawful fence. This rule applies in a stock restricted area if the owner of the livestock did not have a reasonable opportunity to repair the fence. The state is not liable for such damage. However, in such a case, the state must pay the costs of transportation, advertising, legal proceedings and keep of an animal that has been restrained under the livestock trespass laws.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (1) If elk knock down a livestock owner's fence, and the livestock trespass on another person's property, the owner is liable but is not at fault. The bill takes the owner off the hook. (2) A person should be given a reasonable period of time to repair the fence.

Testimony Against: None.

Witnesses: In Favor: Representative Fuhrman; Kent Lebsack, Washington Cattlemens Association; and Dennis Martin, Washington State Trial Lawyers Association.