

FINAL BILL REPORT

SHB 2516

C 263 L 94
Synopsis as Enacted

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

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

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: In an open range area, generally, a livestock owner is liable for the damages caused by the livestock's "trespassing" on the fenced property of another. In a stock-restricted area, generally, the livestock owner is responsible for fencing the livestock and if the owner fails to carry out this responsibility, then he or she is liable for the damages caused by the livestock's "trespassing" on another's property.

A person sustaining property damages by "trespassing" livestock may "restrain" (take possession of) the livestock as security for the owner's payment of damages and costs.

Summary: Generally, a livestock owner is no longer liable for "trespass" damages caused by the livestock if the owner can prove that the "trespass" is due to the owner's lawful fence being damaged by wildlife. In a stock-restricted area, this rule does not apply if the livestock owner had reasonable opportunity to repair the fence before the livestock escaped.

In livestock "trespass" cases where the livestock owner is not liable for damages under the new rule, the state is liable for the costs of transportation, advertising, legal proceedings, and keep of any "restrained" livestock.

Votes on Final Passage:

House	94	0
Senate	46	1

Effective: June 9, 1994