
HOUSE BILL 2024

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Sheldon, Jones, Rayburn, Kessler, Basich and Quall

Read first time 02/22/93. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to log patrols; adding new sections to chapter
2 76.40 RCW; creating a new section; repealing RCW 76.40.010, 76.40.012,
3 76.40.013, 76.40.020, 76.40.030, 76.40.040, 76.40.050, 76.40.060,
4 76.40.070, 76.40.080, 76.40.090, 76.40.100, 76.40.110, 76.40.120,
5 76.40.130, 76.40.135, 76.40.140, 76.40.145, 76.40.900, and 76.40.910;
6 and prescribing penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** REPEALER. The following acts or parts of
9 acts are each repealed:

- 10 (1) RCW 76.40.010 and 1984 c 60 s 9 & 1957 c 182 s 1;
11 (2) RCW 76.40.012 and 1984 c 60 s 10, 1955 c 108 s 1, & 1953 c 140
12 s 2;
13 (3) RCW 76.40.013 and 1984 c 60 s 11 & 1957 c 182 s 9;
14 (4) RCW 76.40.020 and 1984 c 60 s 12, 1957 c 182 s 2, 1955 c 27 s
15 1, 1953 c 140 s 9, & 1947 c 116 s 1;
16 (5) RCW 76.40.030 and 1984 c 60 s 13, 1979 ex.s. c 67 s 13, 1963 c
17 12 s 1, 1957 c 182 s 3, 1955 c 108 s 3, 1953 c 140 s 10, & 1947 c 116
18 s 3;

- 1 (6) RCW 76.40.040 and 1984 c 60 s 14, 1957 c 182 s 4, & 1947 c 116
2 s 5;
- 3 (7) RCW 76.40.050 and 1984 c 60 s 15, 1957 c 182 s 5, 1953 c 140 s
4 11, & 1947 c 116 s 5;
- 5 (8) RCW 76.40.060 and 1982 c 35 s 199 & 1947 c 116 s 6;
- 6 (9) RCW 76.40.070 and 1984 c 60 s 16, 1957 c 182 s 6, & 1947 c 116
7 s 8;
- 8 (10) RCW 76.40.080 and 1984 c 60 s 17 & 1947 c 116 s 9;
- 9 (11) RCW 76.40.090 and 1947 c 116 s 10;
- 10 (12) RCW 76.40.100 and 1984 c 60 s 18 & 1947 c 116 s 11;
- 11 (13) RCW 76.40.110 and 1957 c 182 s 7, 1953 c 140 s 12, & 1947 c
12 116 s 12;
- 13 (14) RCW 76.40.120 and 1984 c 60 s 19 & 1947 c 116 s 14;
- 14 (15) RCW 76.40.130 and 1947 c 116 s 13;
- 15 (16) RCW 76.40.135 and 1984 c 60 s 20;
- 16 (17) RCW 76.40.140 and 1984 c 60 s 21;
- 17 (18) RCW 76.40.145 and 1984 c 60 s 22;
- 18 (19) RCW 76.40.900 and 1947 c 116 s 15; and
- 19 (20) RCW 76.40.910 and 1947 c 116 s 16.

20 NEW SECTION. **Sec. 2.** LEGISLATIVE FINDINGS AND DECLARATIONS. The
21 legislature finds and declares that:

22 (1) Stray logs adrift on waters of this state can pose a threat to
23 navigation, life, property, and public resources;

24 (2) Owners of stray logs have an economic interest in recovering
25 valuable lost property and minimizing potential liability;

26 (3) Reduced levels of log raft storage and transportation on waters
27 of this state have resulted in a reduction of commercial log recovery
28 activity;

29 (4) Recovery of isolated logs may not be profitable for tow boat
30 operators, log owners, or agents of log owners;

31 (5) It is in the interest of the citizens of Washington state to
32 provide an effective means to secure stray logs that are adrift on
33 waters of this state in order to protect the financial interests of log
34 owners, protect life, property, and public resources and to provide for
35 safe navigation.

36 NEW SECTION. **Sec. 3.** PURPOSE. The purpose of this chapter is to:

- 1 (1) Provide for the prevention and reduction of stray logs adrift
2 on waters of this state;
- 3 (2) Protect the financial interests of log owners;
- 4 (3) Provide reasonable compensation to those persons who incur
5 costs in securing stray logs;
- 6 (4) Provide a means of disposing of stray logs.

7 NEW SECTION. **Sec. 4.** DEFINITIONS. Unless the context clearly
8 requires otherwise, the definitions in this section apply throughout
9 this chapter:

10 (1) "Stray logs" means logs, piling, poles and boom sticks having
11 a merchantable value that are adrift, or have been adrift and are
12 stranded on beaches, marshes, or tide and shore lands, or that are
13 partially or wholly submerged in the waters of this state, that have
14 escaped in any manner from the owner or from the transportation agency,
15 from storage or while being transported.

16 (2) "Person" means an individual, partnership, private corporation,
17 or association of individuals of whatever nature.

18 (3) "Waters of this state" means bodies of fresh and salt water
19 including all rivers and lakes and their tributaries, harbors, bays,
20 bayous, and marshes within the jurisdiction of the state, capable of
21 being used for the transportation or storage of forest products,
22 including but not limited to state-owned aquatic lands.

23 (4) "Department" means the Washington state department of natural
24 resources.

25 (5) "Merchantable value" means those stray logs that are capable of
26 commanding value singly or in combination with other stray logs, and
27 that are economically salvageable.

28 (6) "Secure" means to restrain stray logs from being adrift on
29 waters of this state, for the purpose of protecting life, property, or
30 navigational safety. "Secure" does not constitute ownership or
31 transfer of ownership except under the provisions of this chapter.

32 NEW SECTION. **Sec. 5.** SECURING STRAY LOGS. (1) Log owners and
33 agents of log owners shall take reasonable actions to prevent logs from
34 becoming adrift on waters of this state.

35 (2) Except for log owners and agents of log owners, it is unlawful
36 to secure stray logs, including unbranded logs, during the time that

1 the owner, the owner's agent, or the transportation agency that lost
2 the stray logs, is attempting immediate recovery of the stray logs.

3 (3) A person may take reasonable action as necessary to secure
4 stray logs that are adrift on waters of the state in order to protect
5 life, property, or navigational safety.

6 (4) It is unlawful for a person to enter tidelands, shorelands,
7 beds of navigable waters, marshes, or beaches of this state, or a mill,
8 mill yard, mill boom, rafting, or storage grounds to remove a log that
9 is not adrift and that does not pose a threat to life, property, or
10 navigational safety, unless that person is the owner of the log, acting
11 as the owner's agent, or otherwise as provided under section 9 of this
12 act.

13 NEW SECTION. **Sec. 6.** PRESUMPTION ARISING FROM POSSESSION. A
14 person having possession of stray logs except as provided under this
15 chapter is presumed to have possession of the stray logs with intent to
16 deprive and defraud the owner of the stray logs, and the possession is
17 prima facie evidence of intent to deprive or defraud.

18 NEW SECTION. **Sec. 7.** PRESUMPTION AS TO BRANDED LOGS. Logs with
19 registered brands, catch brands, or marks, under chapter 76.36 RCW, are
20 presumed to be the property of the person in whose name the brand,
21 catch brand, or mark is currently registered with the department. Logs
22 with no currently registered brands, catch brands, or marks shall
23 become the property of the state if recovered, under chapter 76.36 RCW.

24 NEW SECTION. **Sec. 8.** DISPOSITION OF SECURED OR STRANDED STRAY
25 LOGS. (1) It is the duty of the person finding and securing adrift
26 stray logs, that are posing a threat to life, property, or navigational
27 safety, to secure the stray logs for the owner, as identified by marks
28 or brands registered with the department, under chapter 76.36 RCW.

29 (2) A person finding and securing adrift stray logs shall, within
30 thirty days of finding the logs, notify the owner, who has thirty days
31 after receipt of notification to recover the stray logs. The owner may
32 not recover the logs unless payment of reasonable compensation for
33 costs is made to the finder.

34 (3) Disposition of stray logs that have become stranded as a result
35 of having been adrift on waters of this state, is subject to

1 requirements and protections of this chapter; the marks and brands
2 statute, chapter 76.36 RCW; and other applicable law.

3 (4) A person finding and securing adrift stray logs that belong to
4 another and who fails to discharge the duties imposed by this chapter
5 forfeits all right to claim or compensation and is liable for the full
6 value of the property to the owner.

7 NEW SECTION. **Sec. 9.** RECOVERY AND SALE OF STRAY LOGS. (1)

8 Subject to other provisions of this chapter, if it is in the interests
9 of the state, the department may arrange with private contractors,
10 department employees, or other public bodies for the recovery or sale
11 of stray logs, including those that are adrift on waters of this state
12 or have accumulated on state-owned aquatic lands, chapter 79.90 RCW.

13 (2) Proceeds from department sale of stray logs under this section
14 shall be divided as follows:

15 (a) For logs with currently registered brands or marks, seventy-
16 five percent to the department for cost of administration and twenty-
17 five percent to the log owner;

18 (b) For logs with no currently registered brands or marks, funds
19 shall be distributed under the sale of valuable materials within or
20 upon state-owned aquatic lands under chapter 79.90 RCW.

21 (3) For the purpose of maintaining commerce and navigational safety
22 within harbor areas established under chapter 79.92 RCW, and by prior
23 agreement with the department, port districts operating under Title 53
24 RCW may arrange for the recovery and sale of stray logs on behalf of
25 the department. Proceeds from the sale of stray logs in excess of the
26 port district's cost of recovery will be distributed in accordance with
27 this section.

28 NEW SECTION. **Sec. 10.** UNLAWFUL TO ACQUIRE, SELL, ALTER, OR

29 PROCESS STRAY LOGS. It is unlawful to purchase or otherwise acquire
30 stray logs other than from the owner, or as provided in this chapter,
31 or to sell, alter, process, or manufacture stray logs and products from
32 stray logs acquired in contravention of the provisions of this chapter
33 or to possess stray logs for the purpose of selling, altering,
34 processing, or manufacturing.

35 NEW SECTION. **Sec. 11.** CRIMINAL PENALTIES--CIVIL ACTIONS. (1) A

36 person who violates or knowingly aids and abets the violation of this

1 chapter or who fails to perform an act that this chapter makes it his
2 or her duty to preform is guilty of a gross misdemeanor.

3 (2) An owner of stray logs, as defined in this chapter, who has
4 been deprived of the use, benefit, or possession of the stray logs, in
5 violation of this chapter, has a right of civil action to recover
6 damages from the person causing the deprivation, including the
7 purchaser of the stray logs.

8 NEW SECTION. **Sec. 12.** AGENCIES FULFILLING NORMAL DUTIES. Nothing
9 in this chapter shall be construed so as to limit the United States
10 army corps of engineers, United States coast guard, or other agencies
11 of the United States, agencies of the state of Washington, or other
12 political subdivisions, including but not limited to counties, cities,
13 and port districts, from securing or removing stray logs if securing or
14 removing the logs is required to fulfill their normal duties.

15 NEW SECTION. **Sec. 13.** SEVERABILITY. If any provision of this act
16 or its application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 14.** SAVINGS--CONSTRUCTION. (1) This act does
20 not have the effect of terminating, or in any way modifying any
21 liability, civil or criminal, that is already in existence on the
22 effective date of this act.

23 (2) The provisions of this act are cumulative and nonexclusive and
24 shall not affect any other remedy.

25 NEW SECTION. **Sec. 15.** Sections 2 through 14 of this act are each
26 added to chapter 76.40 RCW.

27 NEW SECTION. **Sec. 16.** CAPTIONS NOT LAW. Captions as used in this
28 act constitute no part of the law.

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