
SUBSTITUTE HOUSE BILL 2516

State of Washington

53rd Legislature

1994 Regular Session

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

Read first time 02/04/94.

1 AN ACT Relating to limiting liability for damage resulting from
2 wildlife-induced fence destruction; amending RCW 16.04.015 and
3 16.24.140; and adding a new section to chapter 16.04 RCW.

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

5 **Sec. 1.** RCW 16.04.015 and 1989 c 286 s 2 are each amended to read
6 as follows:

7 Except as provided under section 3 of this act, whenever any
8 animals trespass as provided in RCW 16.04.010, the owner or person
9 having possession of such animal shall be liable for all damages the
10 owner or occupant may sustain by reason of such trespass.

11 **Sec. 2.** RCW 16.24.140 and 1989 c 286 s 13 are each amended to read
12 as follows:

13 Upon claiming any animal impounded under this chapter, the owner
14 shall pay all costs of transportation, advertising, legal proceedings,
15 and keep of the animal, except as provided under section 3 of this act.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 16.04 RCW
17 to read as follows:

1 If damages are caused by a trespassing animal, neither the state
2 nor the owner of the animal shall be liable if the owner of the animal
3 can prove that the trespass is due to damage caused by wildlife to a
4 lawful fence and, in a stock restricted area, the owner of the animal
5 did not have a reasonable opportunity to repair the fence. The state
6 shall pay all costs of transportation, advertising, legal proceedings,
7 and keep of an animal that has been restrained pursuant to RCW
8 16.04.010. Claims filed under this section shall be processed
9 according to the procedures under chapter 4.92 RCW.

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