
HOUSE BILL 2717

State of Washington

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1994 Regular Session

By Representatives Chappell, Rayburn, Lisk, Mastin, Grant, Schoesler, Brough, Karahalios, Kessler, Foreman, Brumsickle, Kremen, Quall, Forner, Long, Sheahan, Lemmon, Johanson, Moak and Chandler

Read first time 01/21/94. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to false writings or statements concerning the food
2 production industry; amending RCW 4.16.080; adding a new section to
3 chapter 4.24 RCW; adding a new chapter to Title 7 RCW; prescribing
4 penalties; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature declares that the production
7 of agricultural commodities constitutes a large proportion of the
8 Washington economy and that it is beneficial to the citizens of this
9 state to protect the vitality of the agricultural economy by providing
10 a legal claim for relief for producers of agricultural commodities to
11 recover damages for the disparagement of any agricultural commodity.

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires
13 otherwise, the definitions in this section apply throughout this
14 chapter.

15 (1) "Disparagement" means dissemination to the public in any manner
16 of any false information regarding the application of any agricultural
17 chemical or process to agricultural commodities that is not based on
18 reliable scientific data, that the disseminator knows or should have

1 known to be false, and that causes the consuming public to doubt the
2 safety of any agricultural commodity.

3 (2) "Agricultural commodity" means products as defined in RCW
4 15.65.020.

5 NEW SECTION. **Sec. 3.** (1) Any producer of agricultural commodities
6 who suffers damages as a result of another person's disparagement of
7 any such agricultural commodity may bring an action for damages in a
8 court of competent jurisdiction.

9 (2) In a case where damages are awarded under this section, the
10 court shall award to the plaintiff all costs of the litigation,
11 including reasonable attorneys' fees, investigation costs, and court
12 costs, and shall impose on any liable party a civil fine of three times
13 actual damages to be paid to the plaintiff.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 4.24 RCW
15 to read as follows:

16 In any civil action where damages are awarded for libel or slander
17 involving a farm or a farm activity, the court shall award the
18 plaintiff all costs of the litigation, including reasonable attorneys'
19 fees, investigation costs, and court costs, and shall impose on any
20 liable party a civil fine of three times actual damages to be paid to
21 the plaintiff.

22 **Sec. 5.** RCW 4.16.080 and 1989 c 38 s 2 are each amended to read as
23 follows:

24 The following actions shall be commenced within three years:

25 (1) An action for waste or trespass upon real property;

26 (2) An action for taking, detaining, or injuring personal property,
27 including an action for the specific recovery thereof, or for any other
28 injury to the person or rights of another not hereinafter enumerated;

29 (3) Except as provided in RCW 4.16.040(2), an action upon a
30 contract or liability, express or implied, which is not in writing, and
31 does not arise out of any written instrument;

32 (4) An action for relief upon the ground of fraud, the cause of
33 action in such case not to be deemed to have accrued until the
34 discovery by the aggrieved party of the facts constituting the fraud;

35 (5) An action against a sheriff, coroner, or constable upon a
36 liability incurred by the doing of an act in his official capacity and

1 by virtue of his office, or by the omission of an official duty,
2 including the nonpayment of money collected upon an execution; but this
3 subdivision shall not apply to action for an escape;

4 (6) An action against an officer charged with misappropriation or
5 a failure to properly account for public funds intrusted to his
6 custody; an action upon a statute for penalty or forfeiture, where an
7 action is given to the party aggrieved, or to such party and the state,
8 except when the statute imposing it prescribed a different limitation:
9 PROVIDED, HOWEVER, The cause of action for such misappropriation,
10 penalty or forfeiture, whether for acts heretofore or hereafter done,
11 and regardless of lapse of time or existing statutes of limitations, or
12 the bar thereof, even though complete, shall not be deemed to accrue or
13 to have accrued until discovery by the aggrieved party of the act or
14 acts from which such liability has arisen or shall arise, and such
15 liability, whether for acts heretofore or hereafter done, and
16 regardless of lapse of time or existing statute of limitation, or the
17 bar thereof, even though complete, shall exist and be enforceable for
18 three years after discovery by aggrieved party of the act or acts from
19 which such liability has arisen or shall arise;

20 (7) All actions for damages for disparagement of agricultural
21 commodities brought under section 3 of this act.

22 NEW SECTION. Sec. 6. Sections 1 through 3 of this act shall
23 constitute a new chapter in Title 7 RCW.

24 NEW SECTION. Sec. 7. This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and shall take
27 effect immediately.

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