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SENATE BILL 5441

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State of Washington

57th Legislature

2001 Regular Session

By Senators Jacobsen and Regala; by request of Department of Fish and Wildlife

Read first time 01/23/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to liability for damage to property; and amending  
2 RCW 4.24.630.

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

4 **Sec. 1.** RCW 4.24.630 and 1999 c 248 s 2 are each amended to read  
5 as follows:

6 (1) Every person who goes onto the land of another and who removes  
7 timber, crops, minerals, or other similar valuable property from the  
8 land, or wrongfully causes waste or injury to the land, or wrongfully  
9 injures personal property or improvements to real estate on the land,  
10 is liable to the injured party for treble the amount of the damages  
11 caused by the removal, waste, or injury. For purposes of this section,  
12 a person acts "wrongfully" if the person intentionally and unreasonably  
13 commits the act or acts while knowing, or having reason to know, that  
14 he or she lacks authorization to so act. Damages recoverable under  
15 this section include, but are not limited to, damages for the market  
16 value of the property removed or injured, and for injury to the land,  
17 including the costs of restoration. In addition, the person is liable  
18 for reimbursing the injured party for the party's reasonable costs,

1 including but not limited to investigative costs and reasonable  
2 attorneys' fees and other litigation-related costs.

3 (2) This section does not apply in any case where liability for  
4 damages is provided under RCW 64.12.030, 79.01.756, 79.01.760,  
5 79.40.070, or where there is immunity from liability under RCW  
6 64.12.035.

7 (3) This section applies to rights and interests in land that  
8 constitute real property in RCW 64.04.130. As used in this section,  
9 the term "goes onto the land of another" includes, but is not limited  
10 to, interference with rights or interests by the owner of the  
11 subservient estate.

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