

FINAL BILL REPORT

HB 1133

C 257 L 19
Synopsis as Enacted

Brief Description: Limiting liability for registered apiarists.

Sponsors: Representatives Peterson, Griffey, Irwin, McCaslin, Lekanoff, Shea, Goodman and Stanford.

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

Tort Liability and Immunity.

A tort is an act or omission that gives rise to injury or harm for which liability may be imposed. The boundaries of tort law are defined in both common law and statutory law. Torts fall into three general categories, negligent torts, intentional torts, and strict liability torts:

- Negligence is the failure to exercise ordinary care. The plaintiff in a negligence action must establish four things: (1) the defendant owed a duty of care to the plaintiff; (2) the defendant breached that duty; (3) the plaintiff suffered injury or damage; and (4) the breach was a proximate cause of the injury or damage. Gross negligence means the failure to exercise slight care. This does not mean the total absence of care but care substantially less than ordinary care.
- Intentional torts involve acts or omissions that a person knew or should have known would result in injury or harm to another person. Willful misconduct is the intentional doing of an act that one has a duty to refrain from doing or the intentional failure to do an act that one has the duty to do when one has actual knowledge of the peril that will be created and intentionally fails to avert injury or actually intends to cause harm.
- Strict liability has been imposed when a particular result or harm manifests from a specific type of activity, animal, or situation, regardless of the degree of care that a person exercises.

There are a variety of statutes that provide some form of immunity from liability to certain persons or entities engaged in particular activities.

Bees and Apiaries.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An apiary is a site where hives of bees or hives are kept or found. An apiarist is a person who owns bees or is a keeper of bees, while a broker is a person who is engaged in pollinating agricultural crops for a fee using hives that are owned by another person.

Each person owning one or more hives with bees, brokers renting hives, and apiarists resident in other states who operate hives in Washington must register annually with the Department of Agriculture (Department). In 2019 fees for apiary owners range from \$5 for one to five colonies and up to \$300 for 1,001 or more colonies. Fees for brokers range from \$100 for one to 500 colonies and up to \$300 for 1,001 or more colonies. The Department issues each registered apiarist or broker an apiarist identification number.

Counties may establish apiary coordinated areas. In these areas, counties may regulate the maximum allowable number of hives per site, the minimum allowable distance between sites, and the minimum required setback from property lines. The county legislative authority of a county with a population of 40,000 to less than 70,000 located east of the crest of the Cascade Mountains and bordering the southern side of the Snake River is additionally empowered to designate certain territories as apiary coordinated areas (not less than 2 square miles in any such territory) and specify the time of year the regulations will be in effect.

Summary:

A person who owns or operates an apiary and meets certain qualifying requirements is not liable for any civil damages that occur in connection with the keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, and appliances, unless the acts or omissions constitute gross negligence or willful misconduct.

In order to qualify for this immunity, the apiary owner or operator must:

- be a registered apiarist; and
- conform to all applicable city, town, or county ordinances regarding beekeeping.

Votes on Final Passage:

House	95	1	
Senate	47	1	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 2019