
SUBSTITUTE SENATE BILL 5310

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senator Owen)

Read first time 02/23/93.

1 AN ACT Relating to trespass or waste of public lands; and amending
2 RCW 79.01.760.

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

4 **Sec. 1.** RCW 79.01.760 and 1927 c 255 s 200 are each amended to
5 read as follows:

6 ~~((The commissioner of public lands))~~ (1) Every person who, without
7 authorization, uses or occupies public lands, removes anything of value
8 from public lands, or causes waste or damage to public lands, is liable
9 to the state for treble the amount of the damages. However, liability
10 shall be for single damages if the department of natural resources
11 determines, or the person proves upon trial, that the person, at time
12 of the unauthorized act or acts, did not know, or have reason to know,
13 that he or she lacked authorization. Damages recoverable under this
14 section include, but are not limited to, the market value of the use,
15 occupancy, or things removed, had the use, occupancy, or removal been
16 authorized; and any damages caused by injury to the land, including the
17 costs of restoration. In addition, the person is liable for
18 reimbursing the state for its reasonable costs, including but not
19 limited to, its administrative costs, survey costs to the extent they

1 are not included in damages awarded for restoration costs, and its
2 reasonable attorneys' fees and other legal 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, or 79.40.070.

5 (3) The department of natural resources is authorized and directed
6 to investigate all trespasses and wastes upon, and damages to, public
7 lands of the state, and to cause prosecutions for, and/or actions for
8 the recovery of, the same, to be commenced as is provided by law.

--- END ---