
HOUSE BILL 1242

State of Washington

61st Legislature

2009 Regular Session

By Representatives Morrell, Blake, Green, Williams, Kenney, Miloscia, and Nelson

Read first time 01/15/09. Referred to Committee on Judiciary.

1 AN ACT Relating to added protection against the waste of
2 agricultural crops; and amending RCW 4.24.320.

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

4 **Sec. 1.** RCW 4.24.320 and 2005 c 419 s 2 are each amended to read
5 as follows:

6 (1) Any person who suffers damage to livestock as a result of
7 actions described in RCW 16.52.205 or any owner of livestock who
8 suffers damage as a result of a willful, unauthorized act described in
9 RCW 9A.56.080 or 9A.56.083 may bring an action against the person or
10 persons committing the act ((in a court of competent jurisdiction)).

11 (2)(a) An action may be brought by a person who loses the
12 opportunity to harvest an agricultural crop on leased land against the
13 owner of the land if the owner of the land damages the crops, excludes
14 the lessee, or otherwise makes harvest impossible or prohibitively
15 difficult prior to the default termination date stated in the lease if
16 the owner of the land knows, or should know, that the lessee has
17 planted the land with an agricultural crop.

18 (b) Actions may be brought by a person under this subsection if the

1 person is the named lessee, a sublessee, or a transferee of the lease,
2 regardless of lease terms regarding subletting or transfer.

3 (c) Actions may be brought by a person under this subsection
4 regardless of lease terms allowing early termination dates.

5 (3) Actions brought under this section must be brought in a court
6 of competent jurisdiction and be for exemplary damages up to three
7 times the actual damages sustained, plus attorney's fees.

8 (4) As used in this section, "livestock" means the animals
9 specified in RCW 9A.56.080.

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