
HOUSE BILL 1699

State of Washington 64th Legislature 2015 Regular Session

By Representatives Blake, Kretz, Orcutt, Dent, Short, and Condotta

Read first time 01/26/15. Referred to Committee on Judiciary.

1 AN ACT Relating to legal immunity in instances of citizen-
2 initiated wildfire control; and adding a new section to chapter 4.24
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) An individual may, consistent with this section, enter
8 privately owned or publicly owned land for the purposes of attempting
9 to extinguish or control a wildfire, regardless of whether the
10 individual owns the land. No civil or criminal liability may be
11 imposed by any court for any direct or proximate adverse impacts
12 resulting from an individual's access to privately owned or publicly
13 owned land for the purposes of attempting to extinguish or control a
14 wildfire, except upon proof of gross negligence or willful or wanton
15 misconduct by the individual.

16 (a) An individual may enter privately owned or publicly owned
17 land under this subsection (1) only if:

18 (i) There is an active fire on the land;

19 (ii) The individual has a reasonable belief that the local fire
20 conditions are creating an emergency situation and that there is an

1 imminent danger of a fire growing or spreading from the parcel of the
2 privately owned or publicly owned land being entered;

3 (iii) The individual has a reasonable belief that preventive
4 measures will extinguish or control the wildfire;

5 (iv) The individual has a reasonable belief that he or she is
6 capable of taking preventive measures; and

7 (v) The individual notifies the landowner, lessee, occupant, or
8 emergency personnel prior to entering the land or within a reasonable
9 time after the individual attempts to extinguish or control the
10 wildfire.

11 (b) Nothing in this subsection (1) authorizes any person to
12 materially benefit from accessing privately owned or publicly owned
13 land or retain any valuable materials that may be collected or
14 harvested during the time the individual attempts to extinguish or
15 control the wildfire.

16 (c) The authority to enter privately owned or publicly owned land
17 under this subsection (1) is limited to the minimum necessary
18 activities reasonably required to extinguish or control the wildfire.

19 (d) Nothing in this subsection (1) confers a duty or obligation
20 on a person to attempt to extinguish or control a wildfire.

21 (2)(a) No civil or criminal liability may be imposed by any court
22 on the owner, lessee, or occupant of any land accessed as permitted
23 under subsection (1) of this section for any direct or proximate
24 adverse impacts resulting from the access to privately owned or
25 publicly owned land allowed under subsection (1) of this section,
26 except upon proof of gross negligence or willful or wanton misconduct
27 by the owner, lessee, or occupant. The barriers to civil and criminal
28 liability imposed by this subsection include, but are not limited to,
29 impacts on:

30 (i) The individual accessing the privately owned or publicly
31 owned land and the individual's personal property, including loss of
32 life;

33 (ii) Any structures or land alterations constructed by
34 individuals entering the privately owned or publicly owned land;

35 (iii) Other landholdings; and

36 (iv) Overall environmental resources.

37 (b) This subsection (2) does not apply in any case where
38 liability for damages is provided under RCW 4.24.040.

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