

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 94, As Amended in the Senate

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO TRESPASS; AMENDING SECTION 6-202, IDAHO CODE, TO PROVIDE THAT
2 CERTAIN PERSONS IN VIOLATION OF SPECIFIED LAW SHALL BE LIABLE ONLY FOR
3 ACTUAL DAMAGES.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 6-202, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 6-202. ACTIONS FOR TRESPASS. Any person who, without permission of
9 the owner, or the owner's agent, willfully and intentionally enters upon
10 the real property of another person which property is posted with "No Tres-
11 passing" signs or other notices of like meaning, spaced at intervals of not
12 less than one (1) notice per six hundred sixty (660) feet along such real
13 property; or who willfully and intentionally cuts down or carries off any
14 wood or underwood, tree or timber, or girdles, or otherwise willfully and
15 intentionally injures any tree or timber on the land of another person, or on
16 the street or highway in front of any person's house, village, or city lot, or
17 cultivated grounds; or on the commons or public grounds of or in any city or
18 town, or on the street or highway in front thereof, without lawful authority,
19 is liable to the owner of such land, or to such city or town, for treble the
20 amount of damages which may be assessed therefor or fifty dollars (\$50.00),
21 plus a reasonable attorney's fee which shall be taxed as costs, in any civil
22 action brought to enforce the terms of this act if the plaintiff prevails.
23 Provided however, the owner or operator of any right-of-way or easement for
24 any ditch, canal or other conduit governed by the provisions of chapter 11 or
25 chapter 12, title 42, Idaho Code, who is found in violation of this section
26 shall be liable only for actual damages and not for any treble damages or
27 attorney fees otherwise provided for under this section.