



Substitute House Bill No. 5220

Public Act No. 14-125

AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2014*) (a) If a tree that is located on private real property, or a limb from such tree, falls on an adjoining private property owner's land, the owner of the real property from which such tree or limb fell shall be liable for the expenses of removing such tree or limb from such adjoining private property owner's land, if, prior to such tree or limb falling: (1) The adjoining private property owner provided written notice by certified mail to the owner of the real property from which such tree or limb fell that the tree or limb was diseased or likely to fall and requested that such tree or limb be removed or pruned; and (2) the owner of the real property from which such tree or limb fell failed to remove or prune such tree or limb within thirty calendar days after receiving such notice. Any notice provided to an adjoining private property owner prior to October 1, 2014, that meets the requirements of subdivision (1) of this subsection shall be valid notice for the purposes of this section.

(b) The provisions of this section shall not affect any rights of a policyholder under a liability insurance policy, except that the insurance company that issued such insurance policy may deduct from

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any amount owed to such insured for a covered loss arising from such tree or limb falling, the amount recovered by the policyholder pursuant to subsection (a) of this section to the extent that such amount would have been a covered loss under such insurance policy.

(c) The provisions of this section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

Vetoed June 6, 2014