



House of Representatives

General Assembly

File No. 583

February Session, 2014

Substitute House Bill No. 5220

House of Representatives, April 16, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) If a tree that is located
2 on private real property, or a limb from such tree, falls on an adjoining
3 private property owner's land, the owner of the real property from
4 which such tree or limb fell shall be liable for the expenses of removing
5 such tree or limb from such adjoining private property owner's land, if,
6 prior to such tree or limb falling: (1) The adjoining private property
7 owner provided written notice by certified mail to the owner of the
8 real property from which such tree or limb fell that the tree or limb
9 was diseased or likely to fall and requested that such tree or limb be
10 removed or pruned; and (2) the owner of the real property from which
11 such tree or limb fell failed to remove or prune such tree or limb
12 within thirty calendar days after receiving such notice. Any notice
13 provided to an adjoining private property owner prior to October 1,
14 2014, that meets the requirements of subdivision (1) of this subsection

15 shall be valid notice for the purposes of this section.

16 (b) The provisions of this section shall not affect any rights of a
17 policyholder under a liability insurance policy, except that the
18 insurance company that issued such insurance policy may deduct from
19 any amount owed to such insured for a covered loss arising from such
20 tree or limb falling, the amount recovered by the policyholder
21 pursuant to subsection (a) of this section to the extent that such
22 amount would have been a covered loss under such insurance policy.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill set certain rules concerning fallen trees or limbs on private property and does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5220*****AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.*****SUMMARY:**

This bill makes the owner of real property from which a tree or branch falls onto adjoining private property (tree owner) liable for the expense of removing the tree or branch if (1) the adjoining property owner had previously notified the tree owner that the tree or branch was diseased or likely to fall and (2) the tree owner failed to remove or prune the tree or branch within 30 calendar days after receiving this notice.

Under the bill, the adjoining property owner must (1) send the written notice to the tree owner by certified mail and (2) ask the tree owner (apparently in the written notice) to prune or remove the tree or branch. Any notice given a tree owner before October 1, 2014 that meets the bill's requirements is valid for its purposes.

The bill does not (1) limit anyone's right to pursue a civil remedy as allowed by law or (2) affect any rights a policyholder may have under an insurance policy, although an insurer may deduct from any amount it owes the insured the amount the policyholder recovered from the tree owner, to the extent the policy would have covered the loss.

EFFECTIVE DATE: October 1, 2014

BACKGROUND***Related Bill***

HB 5408 (File 406), favorably reported by the Energy and Technology Committee, requires utility's to notify to abutting property owners to inform them that they can, in writing, consent, object, or

offer modifications to the utility's proposed vegetation management. For trees on private property, the notice must also state that an owner who objects will not be billed for any damage caused by trees falling on any utility infrastructure.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/02/2014)