



General Assembly

February Session, 2014

***Raised Bill No. 5220***

LCO No. 1122



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***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) An arborist, as defined in section  
7 23-61a of the general statutes, inspected the tree and documented that  
8 the tree or limb was diseased or likely to fall; (2) the adjoining private  
9 property owner provided notice to the owner of the real property from  
10 which such tree or limb fell that the tree or limb was diseased or likely  
11 to fall and requested that such tree or limb be removed or pruned; and  
12 (3) the owner of the real property from which such tree or limb fell  
13 failed to remove or prune such tree or limb after receiving such notice.  
14 If the arborist requires access to the property to inspect the tree and the  
15 property owner on which such tree is located refuses consent for such  
16 inspection, the arborist may limit such inspection to the portions of the

17 tree or limb that are visible from the adjoining private property  
18 owner's land.

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

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

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

**Statement of Purpose:**

To impose liability on owners of private real property for the expenses of removing a tree or limb from a tree located on such property that falls on adjoining private real property.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*