



General Assembly

Substitute Bill No. 5220

February Session, 2014



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	<i>October 1, 2014</i>	New section

JUD *Joint Favorable Subst.*