



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.*

**INS**      *Joint Favorable*