

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-125—sHB 5220 (VETOED)

Judiciary Committee

Insurance and Real Estate Committee

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

SUMMARY: This act makes the owner of private 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, in writing, 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 days after receiving this notice.

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

The act does not limit anyone's right to pursue other civil remedies as allowed by law. It also does not affect any rights a policyholder may have under a liability insurance policy, except 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 Act

PA 14-151 makes several changes to the process utilities must follow before conducting vegetation management (pruning or removing any trees or shrubs around their poles and wires), such as (1) requiring a utility to obtain written affirmative consent from a private property owner before conducting vegetation management on the owner's property and (2) expanding the information a utility must include in its notice to a property owner about proposed vegetation management.

OLR Tracking: JO:KM:PF:ro